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NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION

Regular Meetings
Thursdays, December 25, 2008
&
January 1, 2009

NOTICE IS HEREBY GIVEN that the Regular Meetings of the San Francisco Planning Commission for *Thursdays, December 25, 2008 and January 1, 2009*, have been cancelled. The next Regular Meeting of the Planning Commission will be held on, *Thursday, January 8, 2009*.

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER

PRESIDENT	CHRISTINA OLAGUE
VICE-PRESIDENT	RON MIGUEL
COMMISSIONER	MICHAEL J. ANTONINI
COMMISSIONER	GWYNETH BORDEN
COMMISSIONER	WILLIAM L. LEE
COMMISSIONER	KATHRIN MOORE
COMMISSIONER	HISASHI SUGAYA

DIRECTOR OF PLANNING
COMMISSION SECRETARY

JOHN RAHAIM
LINDA D. AVERY

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SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, January 8, 2009

1:30 PM

Regular Meeting

01-05-09A09:39 RCVD

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JAN - 5 2009

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President: Christina R. Olague

Vice-President: Ron Miguel

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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or as a recorded message at (415) 558-6422.

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Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR PAVILION

Commission Meeting Procedures

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Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

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For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Christina R. Olague
Vice-President:	Ron Miguel
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 2008.1179Z (E. WATTY: (415) 558-6620)
2400 IRVING STREET - northwest corner of 25th Avenue, Lot 053 in Assessor's Block 1725 - **An Ordinance to amend Map Sheets ZN05 and SU05 the Planning Code in order to reclassify the northern half of the Subject Property from RH-2 (Residential House, Two-Family) to NC-2 (Neighborhood Commercial, Small-Scale), pursuant to Planning Code Section 302.** The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors, and adopt findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Preliminary Recommendation: Recommend adoption to the Board of Supervisors.

(Continued from Regular Meeting of December 11, 2008)

(Proposed for continuance to February 5, 2009)

- 2007.1147T (T. SULLIVAN-LENANE: (415) 558-6257)
AMENDMENTS TO ARTICLES 10 AND 11 AND ADDING A NEW SECTION 309.3 OF THE PLANNING CODE - Ordinance introduced by Mayor Newsom amending Articles 10 and 11 and adding a new Section 309.3 of the Planning Code, contingent on voter approval in the November 4, 2008 general election of the proposed Charter amendment creating an Historic Preservation Commission, to provide additional criteria for Planning Commission review of Historic Preservation Commission decisions, to provide for Section 309 review at the discretion of the Planning Department Director of certain projects requiring Certificates of Appropriateness under Article 10 of the Planning Code, and to create a rebuttable presumption of compatibility for certain projects requiring Certificates of Appropriateness under Article 10 of the Planning Code; adopting findings, including environmental findings and findings required by Section 101.1 of the Planning Code.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of November 20, 2008)

(Proposed for continuance to January 22, 2009)

B. COMMISSIONERS' QUESTIONS AND MATTERS

- Proposed adoption of Planning Commission's hearing schedule for 2009.
- Commission Comments/Questions
 - Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that

could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

5. Director's Announcements
6. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

- 7a. 2007.1117CV (T. FRYE: (415) 575-6822)
1731 POWELL STREET - northwest intersection of Powell and Filbert Streets at Columbus Avenue, formerly the Pagoda and the Palace Theaters, Assessor's Block 0101; Lot 004. **Request for Conditional Use approval** pursuant to Sections 303, 703.2, and 722 of the Planning Code to rehabilitate the existing building to provide up to 18 dwelling units, ground floor retail commercial space, and up to 27 off-street parking spaces. The Zoning Administrator will hear related rear yard modification and exposure variance. The subject property is within the North Beach Neighborhood Commercial District with a 40-X Height and Bulk District.
Recommendation: Approve with Conditions
- 7b. 2007.1117CV (T. FRYE: (415) 575-6822)
1731 POWELL STREET - northwest intersection of Powell and Filbert Streets at Columbus Avenue, formerly the Pagoda and the Palace Theaters, Assessor's Block 0101; Lot 004. **Request for Variance** pursuant to Sections 135 and 140 of the Planning Code for a rear yard modification and exposure. The subject property is within the North Beach Neighborhood Commercial District with a 40-X Height and Bulk District.
8. 2008.0658C (K. GUY: (415) 558-6163)
1349 CLAY STREET - between Jones and Leavenworth Streets, Lot 033 of Assessor's Block 0220 - **Request for Conditional Use Authorization** to allow a proposed addition to an existing building in excess of 40 feet in height. The project proposes to add two stories to an existing two-story over basement building, renovate the existing facade, add decks at the fourth level and the roof, and add an elevator/stair penthouse and solar array to the roof. The finished roof would reach a height of approximately 59 feet. As permitted by the Planning Code, portions of the penthouse would exceed the 65-foot height limit, up to a maximum height of approximately 69 feet. The number of existing dwelling units will not change. The project site is located within the RM-3 Zoning District and the 65-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
9. 2008.0648C (C. LAMORENA: (415) 575-9085)
514 27TH AVE. (AKA 6255 GEARY BLVD.) – east side between Geary Boulevard and Anza Street; Lot 027A of Assessor's Block 1518 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 712.54 and 303, to convert a salon into a foot massage establishment (dba Wonderfoot Health Center), located in an NC-3

(Neighborhood Commercial, Moderate-Scale) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

10. 2008.1282D (C. LAMORENA: (415) 575-9085)
40 MCLAREN AVENUE - north side between El Camino Del Mar and 28th Avenue; Lot 010 in Assessor's Block 1326- **Request for Discretionary Review** of Building Permit Application No. 2008.02.20.5155, proposing to construct two horizontal additions at the east side of the 2nd story of the two-story over basement, single-family detached dwelling in an RH-1(D) [Residential House, Single-Family (Detached Dwellings)] Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve the Project
11. 2007.0347E (D. DWYER: (415) 575-9031)
SAN FRANCISCO BICYCLE PLAN PROJECT DEIR - **Public Hearing on the Draft Environmental Impact Report.** The project site is located throughout the City primarily within the street right-of-way and on some park land - The proposed project includes an update of the goals, objectives and actions of the San Francisco Bicycle Plan, amendments to the San Francisco General Plan, Planning Code and Transportation Code to reflect the updated San Francisco Bicycle Plan, and proposed improvements to the City's existing bicycle route network including 60 near-term improvement projects, minor improvements and long-term improvements to the bicycle route network. The proposed project would require approval by the San Francisco Municipal Transportation Agency Board of Directors as well as the Board of Supervisors. **Written comments on the DEIR will be accepted at the Planning Department's offices until the close of business on January 13, 2009.**
Preliminary Recommendation: No Action Required

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, January 15, 2009
1:30 PM
Regular Meeting

01-09-09PD1:51 RCYD

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President: Christina R. Olague
Vice-President: Ron Miguel

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
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Commission Secretary: Linda D. Avery

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1:30 PM _____

ROLL CALL:

President:	Christina R. Olague
Vice-President:	Ron Miguel
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0720C (P. LAVALLEY: (415) 575-9084)
988 VALENCIA STREET - west side between Liberty and 21st Streets, Lot 009 in Assessor's Block 3608 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303, 703.3, and 703.4 to establish a formula retail use (dba American Apparel) in the Valencia Neighborhood Commercial District. The subject property is within a 50-X Height and Bulk District and is a contributing resource to the Liberty-Hill Historic District designated under Article 10 of the Planning Code. No building expansion is proposed.
(Proposed for continuance to February 5, 2009)
2. 2007.1269C (B. BENDIX: (415) 575-9089)
3398 22ND STREET - northeast corner at Guerrero and 22nd Streets, Lot 028 in Assessor's Block 3617 - **Request for Conditional Use (CU) authorization** pursuant to Planning Code Sections 145.2, 303 and 710.26 to legalize a walk-up facility (ATM), dba "Swipe USA", that is not recessed 3-feet from the property line, in an NC-1 (Neighborhood Commercial Cluster) Zoning District with an 40-X Height and Bulk designation.
Preliminary Recommendation: Approval
(Continued from Regular Meeting of November 6, 2008)
(Proposed for continuance to February 5, 2009)
- 3a. 2006.0826CV (K. GUY: (415) 558-6163)
1946 POLK STREET (AKA 1591 PACIFIC AVENUE) - southeast corner at Pacific Avenue, Lot 024 of Assessor's Block 0596 - **Request for Conditional Use Authorization** to allow development on a lot exceeding 10,000 square feet, to reduce parking requirements, and to grant an exception to bulk requirements. The proposed project is to demolish an existing 1.5-story retail building and surface parking lot and construct a new 5-story mixed-use building containing approximately 39 dwelling units, approximately 38 parking spaces, and approximately 2,300 square feet of ground-floor retail space. The project site is located within the Polk Street Neighborhood Commercial District, and a 65-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from the Regular Meeting of December 11, 2008)
(Proposed for continuance to January 22, 2009)
- 3b. 2006.0826CV (K. GUY: (415) 558-6163)
1946 POLK STREET (AKA 1591 PACIFIC AVENUE) - southeast corner at Pacific Avenue, Lot 024 of Assessor's Block 0596 - **Request for a Modification of Rear Yard Requirements** within a Neighborhood Commercial District. The proposed project is to demolish an existing 1.5-story retail building and surface parking lot and construct a new 5-story mixed-use building containing approximately 39 dwelling units, approximately 38 parking spaces, and approximately 2,300 square feet of ground-floor retail space. The

project site is located within the Polk Street Neighborhood Commercial District, and a 65-A Height and Bulk District. The Zoning Administrator will consider the request for modification of rear yard requirements concurrently with the Planning Commission's consideration of the conditional use authorization at this same hearing.

(Continued from the Regular Meeting of December 11, 2008)

(Proposed for continuance to January 22, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

4. 2008.0005C (B. BENDIX: (415) 575-9089)
439 BOWDOIN STREET - east side, between Silver Avenue and Silliman Street, Lot 026 in Assessor's Block 5918 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 121(f) and 303 to subdivide the subject property and establish a lot with less than the required 25-foot width. No alteration is proposed for the existing dwelling unit; however, the proposal includes the demolition of the adjacent detached garage, and construction of a three-story, single family dwelling. The project site is located within an RH-1 (Residential, House, Single-Family) Zoning District with a 40-X Height and Bulk designation.

Preliminary Recommendation: Approval with conditions

5. 2008.1150C (A. STARR: (415) 558-6362)
1348 - 10TH AVENUE - east side between Irving and Judah Streets, Lot 031, in Assessor's Block 1764 - **Request for Conditional Use Authorization** under Planning Code Sections 209.9(e) and 303 to allow a general office use (dba Guadalupe Associates) in a residential district that will be located within a designated City Landmark, Landmark # 29, Old Fire House Engine 22 in a RH-2 (Residential, House, Two Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

6. 2008.1196C (D. SANCHEZ: (415) 575-9082)
3085 24TH STREET - south side, between Folsom and Lucky Streets, Lot 040 in Assessor's Block 6521 - **Request for Conditional Use Authorization** under Planning Code Sections 727.52 and 303 to allow for the establishment of a personal service use (dba Jasmine Beauty Spa) situated on the second story within the 24th Street - Mission Neighborhood Commercial Transit District and a 40-X Height and Bulk designation.

Preliminary Recommendation: Approval with conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

7. **ELECTION OF OFFICERS:** In accordance with the Rules and Regulations of the San Francisco Planning Commission, the President and Vice President of the Commission shall be elected at the first Regular Meeting of the Commission held on or after the 15th day of January of each year, or at a subsequent meeting, the date which shall be fixed by the commission at the first Regular Meeting on or after the 15th day of January each year.

8. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

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9. Director's Announcements
10. Review of Past Week's Events at the Board of Supervisors and Board of Appeals

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

11. 2008.1265C (K. GUY: (415) 558-6163)
1424-1428 BUSH STREET - between Van Ness Avenue and Polk Street, Lot 004 of Assessor's Block 0667 - **Request for Conditional Use Authorization** to allow the relocation of an existing non-conforming Adult Entertainment use (dba "Frontlyne Inc.") from 1259 Polk Street (Lot 026 of Assessor's Block 0670) to 1424-1428 Bush Street, within the Polk Street Neighborhood Commercial District and the 65-A Height and Bulk District. Minor interior changes are proposed for the property at 1424-1428 Bush Street, however, the exterior of the building will not be altered.
Preliminary Recommendation: Approval with Conditions
- 12a. 2006.1294BKMXX (K. GUY: (415) 558-6163)
110 THE EMBARCADERO - west side between Mission and Howard Streets, Lot 002 of Assessor's Block 3715 - **Request for Allocation of Square Footage** under the Annual Office Development Limitation Program. The proposed project is to demolish an existing office building and to construct a new 10-story over basement building containing approximately 52,890 square feet of office uses, 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces. The project site is located within the C-3-O Zoning District, and the 84-X Height and Bulk District.
(Continued from Regular Meeting of December 4, 2008)
- 12b. 2006.1294BKMXX (K. GUY: (415) 558-6163)
110 THE EMBARCADERO - west side between Mission and Howard Streets, Lot 002 of Assessor's Block 3715 - **Review under Planning Code Section 295** Regarding Shadow Impacts to Public Parks. The proposed project is to demolish an existing office building and to construct a new 10-story over basement building containing approximately 52,890 square feet of office uses, 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces. The project site is located within the C-3-O Zoning District, and the 84-X Height and Bulk District.
(Continued from Regular Meeting of December 4, 2008)
- 12c. 2006.1294BKMXX (K. GUY: (415) 558-6163)

110 THE EMBARCADERO - west side between Mission and Howard Streets, Lot 002 of Assessor's Block 3715 - **Request for a General Plan Amendment** to amend certain exhibits of the General Plan to reclassify the subject property from the 84-X to the 130-Height and Bulk District. The proposed project is to demolish an existing office building and to construct a new 10-story over basement building containing approximately 52,890 square feet of office uses, 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces. The project site is located within the C-3-O Zoning District, and the 84-X Height and Bulk District.

(Continued from Regular Meeting of December 4, 2008)

- 12d. 2006.1294BKMxz (K. GUY: (415) 558-6163)
110 THE EMBARCADERO - west side between Mission and Howard Streets, Lot 002 of Assessor's Block 3715 - **Determination of Compliance** under Planning Code Section 309 (the Downtown Plan), with exceptions to the requirements for "Freight Loading Maneuvering" and "Reduction of Ground-Level Wind Currents in C-3 Districts". The proposed project is to demolish an existing office building and to construct a new 10-story over basement building containing approximately 52,890 square feet of office uses, 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces. The project site is located within the C-3-O Zoning District, and the 84-X Height and Bulk District.
(Continued from Regular Meeting of December 4, 2008)
- 12e. 2006.1294BKMxz (K. GUY: (415) 558-6163)
110 THE EMBARCADERO - west side between Mission and Howard Streets, Lot 002 of Assessor's Block 3715 - **Request to Reclassify** the subject property from the 84-X to the 130-Height and Bulk District. The proposed project is to demolish an existing office building and to construct a new 10-story over basement building containing approximately 52,890 square feet of office uses, 2,490 square feet of ground floor retail space, 2,670 square feet of rooftop open space, and no parking spaces. The project site is located within the C-3-O Zoning District, and the 84-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of December 4, 2008)
13. 2008.0743D (G. CABREROS (415) 558-6169)
1527 BEACH STREET - south side between Webster and Buchanan Streets; Lot 051 in Assessor's Block 0445A - **Request for Discretionary Review** of Building Permit Application No. 2007.11.13.8019, proposing to construct a partial fourth floor within the footprint of the existing two-unit, three-story building to create additional habitable space for the upper dwelling unit in an RH-2 (Residential House, Two-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve.
14. 2008.0147D (B. FU: (415) 558-6613)
763 UNIVERSITY STREET - east side, between Dwight and Olmstead Streets; Lot 056 in Assessor's Block 6131 - **Request for Discretionary Review** of Building Permit Application No. 2007.04.13.8788 proposing to modify a previous approval for alteration, by expanding the depth of an existing single-family dwelling in a RH-1 (Residential, House - One-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project as Proposed.
15. 2006.0203E (C. DOVZAK: (415) 575-9030)
SAN ANDREAS PIPELINE NO 3 INSTALLATION PROJECT - **Public Hearing in the Draft Environmental Impact Report**. The San Francisco Public Utilities Commission (SFPUC) is sponsoring a proposed project that requires the installation of approximately 23,400 feet (4.4 miles) of new pipeline to extend the existing San Andreas Pipeline No. 3

(SAPL3) from the San Pedro Valve Lot (SPVL) in Daly City to Merced Manor Reservoir (MMR) in San Francisco. For approximately half its length, the pipeline would follow the alignment of the Baden Merced Pipeline, which has been taken out of service because of its deteriorated condition. For the other sections of the pipeline, the San Francisco Public Utilities Commission (SFPUC) has chosen alternative routes to minimize environmental impacts. Where the proposed SAPL 3 alignment differs from the existing BMPL alignment, the BMPL would either be filled with a concrete slurry mixture or would be capped. The alignment follows city streets, except in two locations (the San Francisco Golf Club and the Lake Merced Golf Club). The Project would be constructed using the open-trench method ("cut and cover") for most of the pipeline and a trenchless ("jack and bore") method at high-traffic intersections (at John Daly Boulevard and Sheffield Drive in Daly City, at 19th Avenue and Crespi/Holloway Avenue in San Francisco, and at 19th Avenue and Eucalyptus Drive in San Francisco). In addition to the pipeline main, the Project also includes the installation of crossover pipelines, five customer service connections, various underground vaults, appurtenances, and a cathodic protection system. Key features of the proposed Project include:

- Requires the installation of 4.4 miles of new pipeline;
- Entails open trench construction for most of the alignment, but will use 'Jack and bore' construction at three busy intersections; and
- The alignment will pass through the Lake Merced Golf Course and the San Francisco Golf Course.

Written comments on the DEIR will be accepted at the Planning Department's office until the close of business on January 28, 2009.

Preliminary Recommendation: No Action Required. Public hearing to receive comments only.

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

55-
14
/22/09

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, January 22, 2009
1:30 PM
Regular Meeting

DOCUMENTS DEPT.

JAN 16 2009

SAN FRANCISCO
PLANNING COMMISSION

President: Christina R. Olague
Vice-President: Ron Miguel
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp
Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at solt@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine..

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Christina R. Olague
Vice-President:	Ron Miguel
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2006.0070T (C. NIKITAS: (415) 558-6306)
IMPLEMENTATION OF LEGISLATION TO CONTROL THE LOSS OF DWELLING UNITS - Code Implementation Document - Proposed procedures and criteria to implement newly-adopted Code Section 317 requiring Planning Commission hearings for the removal of certain dwelling and live-work units. The document also sets numerical criteria, some of which are subject to administrative adjustment in response to changing economic conditions.
Preliminary Recommendation: Adoption
(Continued from Regular Meeting of November 20, 2008)
(Proposed for Continuance to February 12, 2009)
2. 2008.1393T (T. SULLIVAN-LENANE: (415) 558-6257)
ORDINANCE RESCINDING PLANNING CODE ARTICLES 10 & 11 IN THEIR ENTIRETY AND ADOPTING A NEW ARTICLE 10 & 11, AND ADDING NEW PLANNING CODE SECTION 176(F) [BOARD FILE NO. 08-1565] - Ordinance introduced by Supervisor Daly and former Supervisor Peskin that would rescind Articles 10 and 11 from the Planning Code in its entirety and adopting a new Article 10 and 11 to implement the provisions of the new San Francisco Charter Section 4.135 (Historic Preservation Commission), and to add Section 176(f).
Preliminary Recommendation: Pending.
(Proposed for Continuance to February 26, 2009)
3. 2007.1147T (T. SULLIVAN-LENANE: (415) 558-6257)
AMENDMENTS TO ARTICLES 10 AND 11 AND ADDING A NEW SECTION 309.3 OF THE PLANNING CODE - Ordinance introduced by Mayor Newsom amending Articles 10 and 11 and adding a new Section 309.3 of the Planning Code, contingent on voter approval in the November 4, 2008 general election of the proposed Charter amendment creating an Historic Preservation Commission, to provide additional criteria for Planning Commission review of Historic Preservation Commission decisions, to provide for Section 309 review at the discretion of the Planning Department Director of certain projects requiring Certificates of Appropriateness under Article 10 of the Planning Code, and to create a rebuttable presumption of compatibility for certain projects requiring Certificates of Appropriateness under Article 10 of the Planning Code; adopting findings, including environmental findings and findings required by Section 101.1 of the Planning Code.
Preliminary Recommendation: Approval
(Continued from Regular Meeting of January 8, 2009)
(Proposed for Continuance to February 26, 2009)
- 4a. 2007.0308CV (B. BENDIX: (415) 575-9089)
3545-3547 20TH STREET - south side between Lexington and San Carlos Streets; Lot 082 in Assessor's Block 3609, in an NC-1 (Neighborhood Commercial Cluster) Zoning

District with a 50-X Height and Bulk designation. Project site will be rezoned as Valencia NCT (Neighborhood Commercial Transit) Zoning District through adoption of the Eastern Neighborhoods Area Plan. Pursuant to Planning Code Sections 135 and 305, the project requests approval of an **Open Space Variance** to not provide direct access to the dwellings' common open space. This request will be heard and considered by the Zoning Administrator.

(Continued from Regular Meeting of December 11, 2008)

Note: Due to the adoption of the Eastern Neighborhoods rezoning, the project no longer requires Conditional Use. The Variance case will be rescheduled and re-noticed.

- 4b. 2007.0308CV (B. BENDIX: (415) 575-9089)
3545-3547 20TH STREET - south side between Lexington and San Carlos Streets; Lot 082 in Assessor's Block 3609, in an NC-1 (Neighborhood Commercial Cluster) Zoning District with a 50-X Height and Bulk designation. Project site will be rezoned as Valencia NCT (Neighborhood Commercial Transit) Zoning District through adoption of the Eastern Neighborhoods Area Plan. Pursuant to Planning Code Sections 135 and 305, the project requests approval of an **Open Space Variance** to not provide direct access to the dwellings' common open space. This request will be heard and considered by the Zoning Administrator.

(Continued from Regular Meeting of December 11, 2008)

Note: Due to the adoption of the Eastern Neighborhoods rezoning, the project no longer requires Conditional Use. The Variance case will be rescheduled and re-noticed.

- 5a. 2007.0921D (A. STARR: (415) 558-6362)
673-675 44TH AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit Application No. 2007.09.20.3151 (demolition); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve Project

(Continued from Regular Meeting of December 11, 2008)

(Proposed for Indefinite Continuance)

- 5b. 2008.1155D (A. STARR: (415) 558-6362)
673-675 44TH AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit Application No. 2007.09.20.3152 (new construction); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve Project

(Continued from Regular Meeting of December 11, 2008)

(Proposed for Indefinite Continuance)

- 5c. 2008.1156D (A. STARR: (415) 558-6362)
673-675 44TH AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit Application No. 2007.09.20.3157 (new construction); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve Project

(Continued from Regular Meeting of December 11, 2008)

(Proposed for Indefinite Continuance)

- 5d. 2007.0921DD (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587- **Request for Discretionary Review** of Demolition Permit Application No. 2007.09.20.3151; proposing to demolish the existing two-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve
(Continued from Regular Meeting of December 11, 2008)
(Proposed for Indefinite Continuance)
- 5e. 2008.1213D (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Request for Discretionary Review** of Building Permit Application Nos. 2007.09.20.3152 and 2007.09.20.3157; proposing to construct two new, four-story, two-unit buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve
(Continued from Regular Meeting of December 11, 2008)
(Proposed for Indefinite Continuance)

B. COMMISSIONERS' QUESTIONS AND MATTERS

6. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

7. Director's Announcements
8. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
9. INFORMATIONAL REPORT on **effect of foreclosures on renters/tenants**
10. Discussion of 3400 Cesar Chavez Street and the conditions of approval.
11. (D. JONES (415) 558-6477)
1326 POLK STREET (FRANK NORRIS PLACE) - **Informational** item to discuss current enforcement status related to a violation of the Planning Code for the failure to fully dedicate 100 percent of a 32-unit, double-density project for seniors or physically handicapped persons per Planning Code Section 207.4(b).

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the

item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

- 12a. 2006.0826CV (K. GUY: (415) 558-6163)
1946 POLK STREET (AKA 1591 PACIFIC AVENUE) - southeast corner at Pacific Avenue, Lot 024 of Assessor's Block 0596 - **Request for Conditional Use Authorization** to allow development on a lot exceeding 10,000 square feet, to reduce parking requirements, and to grant an exception to bulk requirements. The proposed project is to demolish an existing 1.5-story retail building and surface parking lot and construct a new 5-story mixed-use building containing approximately 39 dwelling units, approximately 35 parking spaces, and approximately 2,300 square feet of ground-floor retail space. The project site is located within the Polk Street Neighborhood Commercial District, and a 65-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from the Regular Meeting of January 15, 2009)
- 12b. 2006.0826CV (K. GUY: (415) 558-6163)
1946 POLK STREET (AKA 1591 PACIFIC AVENUE) - southeast corner at Pacific Avenue, Lot 024 of Assessor's Block 0596 - **Request for a Modification of Rear Yard Requirements** within a Neighborhood Commercial District. The proposed project is to demolish an existing 1.5-story retail building and surface parking lot and construct a new 5-story mixed-use building containing approximately 39 dwelling units, approximately 35 parking spaces, and approximately 2,300 square feet of ground-floor retail space. The project site is located within the Polk Street Neighborhood Commercial District, and a 65-A Height and Bulk District. The Zoning Administrator will consider the request for modification of rear yard requirements concurrently with the Planning Commission's consideration of the conditional use authorization at this same hearing.
(Continued from the Regular Meeting of January 15, 2009)
13. 2007.0118E (J. DEAN: (415) 575-9028)
SAN JOAQUIN PIPELINE SYSTEM PROJECT - **Informational Presentation and Public Hearing on the Draft Environmental Impact Report** - The San Francisco Public Utilities Commission (SFPUC) is proposing the San Joaquin Pipeline (SJPL) System Project. The SJPL System Project proposes repair or replacement, of 6.5 miles of SJPL No. 3 at the eastern portion of the existing SJPL System beginning at the Oakdale Portal in Tuolumne County and extending west to an unincorporated area of Stanislaus County. The project would construct one new approximately 11-mile pipeline segment beginning west of the San Joaquin River in Stanislaus County and extending west to the Tesla Portal located in San Joaquin County. The project would also construct two new crossover facilities along the SJPL System: Emery Crossover located about 9.5 miles west of the Oakdale Portal in unincorporated Stanislaus County; and Pelican Crossover located west of the San Joaquin River at the eastern terminus of the new pipeline segment in unincorporated Stanislaus County. Ancillary project components include site improvements at Oakdale Portal, construction of two new throttling stations along SJPL No. 3 in the eastern portion of the SJPL System; and upgrade/replacement of existing discharge facilities at Cashman Creek; and replacement of the existing valves and discharge piping and addition of a new discharge valve at the California Aqueduct.
Written comments will be accepted at the Planning Department's offices until the close of business on January 26, 2009.
Preliminary Recommendation: No Action Required
14. 2005.0164E (T. JOHNSTON: (415) 575-9035)
BAY DIVISION RELIABILITY UPGRADE PROJECT - **Public Hearing on the Draft Environmental Impact Report** - The San Francisco Public Utilities Commission

(SFPUC) is proposing the Bay Division Reliability Upgrade Project (also known as "BDPL No. 5"). The project would be constructed as a 21 mile pipeline, parallel to, and within the existing right-of-way (ROW) of BDPL Nos. 1 and 2, which originate at the Irvington Tunnel Portal in Fremont, pass through the cities of Fremont and Newark in Alameda County, cross the Bay at the Dumbarton Strait, and continue through the cities of East Palo Alto, Redwood City, Menlo Park, and unincorporated areas of San Mateo County. The project (also referred to as "BDPL No. 5") would include a seven-mile "reach" (or sub-segment) in the East Bay that begins approximately 100 feet east of Mission Boulevard, near the Irvington Tunnel Portal, and continues westward through the cities of Fremont and Newark to the Newark Valve Lot. A proposed five-mile tunnel would extend from the Newark Valve Lot to the Ravenswood Valve Lot in Menlo Park, crossing beneath the Bay. From the Ravenswood Valve Lot, BDPL No. 5 would extend nine miles westward to the Pulgas Tunnel Portal in unincorporated San Mateo County. **Written comments will be accepted at the Planning Department's offices until the close of business on Thursday, February 5, 2008.**
Preliminary Recommendation: No action required.

15. 2005.0142E (B. BOLLINGER: (415) 575-9024)
733 27TH AVENUE - The proposed project is located at 733 27th Avenue (Assessor's Block 1617, Lot 003) in the Outer Richmond neighborhood - **Appeal of a Preliminary Mitigated Negative Declaration.** The existing two-story building is approximately 2,486 square feet in size, 23'-9" in height, and has one off-street parking space. The proposed project would construct a horizontal addition that would extend the existing building about six feet to the north property line and six feet west into the rear yard and a vertical addition that would add a third floor to the existing building. The proposed horizontal and vertical additions would add approximately 2,061 square feet to the existing 2,486-square-foot building and would remain a two-unit residence. The proposed building would be a three-story, approximately 4,547-square-foot building with two off-street parking. The project site is within an RH-2 (Residential House, Two-Family) zoning district and within a 40-X height and bulk district.
 Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
 (Continued from Regular Meeting of November 13, 2008)
16. 2005.0751DDD (G. CABREROS: (415) 558-6169)
733 27TH AVENUE - west side between Balboa and Cabrillo Streets; Lot 003 in Assessor's Block 1617 - **Requests for Discretionary Review** of Building Permit Application No. 2004.05.12.3640, proposing to construct side and rear horizontal additions and a vertical extension to the existing two-story, two-unit building resulting in a three-story, two-unit building in an RH-2 (Residential House, Two-Family) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve.
- 17a. 2009.0038D (A. HEITTER: (415) 558-6602)
32-40 VARENNES STREET - east side between Green and Union Streets; Lot 036 in Assessor's Block 0115 - **Request for Staff-Initiated Discretionary Review** of Building Permit Application No. 2008.07.28.7751; proposal to reconfigure a dwelling unit for installation of a garage opening and ramp in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Disapprove Project.
- 17b. 2008.1340D (A. HEITTER: (415) 558-6602)
32-40 VARENNES STREET - east side between Green and Union Streets; Lot 036 in Assessor's Block 0115 - **Request for Discretionary Review** of Building Permit Application No. 2007.06.12.4300; proposing to construct a stair penthouse on the roof of the building and associated rooftop deck in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve Project.

F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION Regular Meeting *Thursday, January 29, 2009*

NOTICE IS HEREBY GIVEN that the Regular Meeting of the San Francisco Planning Commission for *Thursday, January 29, 2009*, has been cancelled. The next Regular Meeting of the Planning Commission will be held on, *Thursday, February 5, 2009*.

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER

PRESIDENT	RON MIGUEL
VICE-PRESIDENT	CHRISTINA OLAGUE
COMMISSIONER	MICHAEL J. ANTONINI
COMMISSIONER	GWYNETH BORDEN
COMMISSIONER	WILLIAM L. LEE
COMMISSIONER	KATHRIN MOORE
COMMISSIONER	HISASHI SUGAYA

DIRECTOR OF PLANNING
COMMISSION SECRETARY

JOHN RAHAIM
LINDA D. AVERY

01-23-09P01134 8:49
GOVERNMENT
DOCUMENTS DEPT

JAN 23 2009

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, February 5, 2009

1:30 PM

Regular Meeting

01-29-09P04002 RCVD

GOVERNMENT
DOCUMENTS DEPT

JAN 29 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sotf@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0940C (M. WOODS: (415) 558-6315)
2250 VALLEJO STREET - north side between Fillmore and Webster Streets; Lot 009, in Assessor's Block 0557 - **Request for Conditional Use Authorization** pursuant to Sections 303(c) and 317 of the Planning Code to allow the merger of eleven dwelling units into two dwelling units in a three-story over basement residential building, within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions, including Modifications to Retain More than Two Dwelling Units
(Continued from Regular Meeting of December 11, 2008)
(Proposed for Continuance to March 5, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

2. 2004.0549C (C. JAROSLAWSKY: (415) 558-6348)
1836 NORIEGA STREET - he north side between 25th and 26th Avenues, Block 2024, Lot 027- **Request for Conditional Use Authorization** under Planning Code Section 161(j), for reduced parking within a Neighborhood Commercial District, to convert the existing, on-site garage area of a mixed-use building into additional commercial space in order to accommodate a pre school for, "Congregation Adath Israel". The property is within the NC-2 (Small-Scale Neighborhood Commercial) District and a 40-X height and bulk District.
Preliminary Recommendation: Approval with conditions.
- 3a. 2008.0729D (T. WANG: (415) 558-6335)
3645 23RD STREET - south side between Fair Oaks and Guerrero Streets; Lot 032 in Assessor's Block 3647 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of residential demolition, of Demolition Permit Application No. 2007.10.10.5010, proposing to demolish a one-story, single-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.
- 3b. 2008.0730D (T. WANG: (415) 558-6335)
3645 23RD STREET - south side between Fair Oaks and Guerrero Streets; Lot 032 in Assessor's Block 3647 - **Mandatory Discretionary Review**, under Planning Code

Section 317 requiring review of the replacement building in association with residential demolition, of Building Permit Application No. 2007.10.12.5328, to construct a three-story over garage, two-family dwelling in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the new building permit.

4. 2008.1179Z (E. WATTY: (415) 558-6620)
2400 IRVING STREET - northwest corner of 25th Avenue, Lot 053 in Assessor's Block 1725 - **An Ordinance to amend Map Sheets ZN05 and SU05 the Planning Code in order to reclassify the northern half of the Subject Property from RH-2 (Residential House, Two-Family) to NC-2 (Neighborhood Commercial, Small-Scale), pursuant to Planning Code Section 302.** The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors, and adopt findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Recommend adoption to the Board of Supervisors.
(Continued from Regular Meeting of January 8, 2009)

C. COMMISSIONERS' QUESTIONS AND MATTERS

5. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

6. Director's Announcements
7. Review of Past Week's Events at the Board of Supervisors and Board of Appeals
8. (A. JOHN-BAPTISTE: (415) 558-6547)
BUDGET FY2009-2010: GOALS, FINANCIAL CONDITIONS, BALANCING OPTIONS - **Informational Presentation** - to discuss the Department's proposed FY2009-2010 goals, review the financial conditions facing the City and the Department, and present preliminary budget balancing options.
(A. BEN-PAZI: (415) 575-9075)
9. 1 HAWTHORNE STREET - north-east side between Howard and Folsom Street, Lot 047 in Assessor's Block 3735 - **Informational Presentation of Public Artwork.** On March 23, 2006 the Commission adopted Motion 17215 approving a mixed use building at the site. The conditions of approval of this Motion include a Public Artwork requirement pursuant to Code Section 149. The conditions of approval also require that the final art concept and location be submitted for review by, and be satisfactory to the Director of the Planning Department in consultation with the Commission. This site is within the C-3-O (SD) Zoning District, and a 250-S Height and Bulk District.
10. (T. SULLIVAN-LENANE: (415) 558-6257)
PLANNING CODE ARTICLES 10 AND 11 - **Informational Presentation** to discuss policy issues for preservation planning and the rewriting of Articles 10 (Preservation of Historical Architectural and Aesthetic Landmarks) and Article 11 (Preservation of

Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) to implement the provisions of the new San Francisco Charter Section 4.135 (Historic Preservation Commission).

11. 2008.14041 (S. WERTHEIM: (415) 558-6612)
THE ART INSTITUTE OF CALIFORNIA – SAN FRANCISCO ABBREVIATED INSTITUTIONAL MASTER PLAN - Informational Presentation - Report on the Art Institute of California – San Francisco's Abbreviated Institutional Master Plan (IMP), pursuant to Planning Code Section 304.5. The Art Institute of California – San Francisco is located at 1170 Market Street (Block 0351 Lot 051), 1145 Market Street (Block 3702, Lots 044 and 044A), and 10 United Nations Plaza (Block 0351 Lot 050). The Abbreviated IMP contains information on the nature and history of the institution, the location and use of affiliated buildings, and development plans. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").
 Preliminary Recommendation: No action required

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

12. 2008.0720C (P. LAVALLEY: (415) 575-9084)
988 VALENCIA STREET - west side between Liberty and 21st Streets, Lot 009 in Assessor's Block 3608 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303, 703.3, and 703.4 to establish a formula retail use (dba American Apparel) in the Valencia Neighborhood Commercial District. The subject property is within a 50-X Height and Bulk District and is a contributing resource to the Liberty-Hill Historic District designated under Article 10 of the Planning Code. No building expansion is proposed.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of January 15, 2009)
13. 2007.1269C (B. BENDIX: (415) 575-9089)
3398 22ND STREET - northeast corner at Guerrero and 22nd Streets, Lot 028 in Assessor's Block 3617 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 145.2, 303 and 710.26 to legalize a walk-up facility (ATM), dba "Swipe USA", that is not recessed 3-feet from the property line, in an NC-1 (Neighborhood Commercial Cluster) Zoning District with an 40-X Height and Bulk designation.
 Preliminary Recommendation: Approval
 (Continued from Regular Meeting of January 15, 2009)
NOTE: Will also include a brief informational presentation regarding Swipe USA's practice of installing ATMs within the City and County of San Francisco.
- 14a. 2006.0826CV (K. GUY: (415) 558-6163)
1946 POLK STREET (AKA 1591 PACIFIC AVENUE) - southeast corner at Pacific Avenue, Lot 024 of Assessor's Block 0596 - **Request for Conditional Use Authorization** to allow development on a lot exceeding 10,000 square feet, to reduce parking requirements, and to grant an exception to bulk requirements. The proposed project is to demolish an existing 1.5-story retail building and surface parking lot and construct a new

5-story mixed-use building containing approximately 39 dwelling units, approximately 35 parking spaces, and approximately 2,300 square feet of ground-floor retail space. The project site is located within the Polk Street Neighborhood Commercial District, and a 65-A Height and Bulk District.

Preliminary Recommendation: Approval with Conditions
(Continued from the Regular Meeting of January 22, 2009)

- 14b. 2006.0826CV (K. GUY: (415) 558-6163)
1946 POLK STREET (AKA 1591 PACIFIC AVENUE) - southeast corner at Pacific Avenue, Lot 024 of Assessor's Block 0596 - **Request for a Modification of Rear Yard Requirements** within a Neighborhood Commercial District. The proposed project is to demolish an existing 1.5-story retail building and surface parking lot and construct a new 5-story mixed-use building containing approximately 39 dwelling units, approximately 35 parking spaces, and approximately 2,300 square feet of ground-floor retail space. The project site is located within the Polk Street Neighborhood Commercial District, and a 65-A Height and Bulk District. The Zoning Administrator will consider the request for modification of rear yard requirements concurrently with the Planning Commission's consideration of the conditional use authorization at this same hearing.
(Continued from the Regular Meeting of January 22, 2009)
15. 2008.0367C (R. CRAWFORD: (415) 558-6358)
5640-5648 MISSION STREET - northwest side, at the northerly corner of Mission and Whipple Avenue Lots 008 and 009 of Assessor's Block 7098 - **Request for Conditional Use Authorization** under, Planning Code Section 711.81 to develop a Large Institutional Use (Buddhist Temple) above the ground floor and Section 711.21 Use Size greater than 3,999 square feet. The proposal is to construct a new second story to the existing one story temple building, expanding the building to 5,959 square feet in area for temple offices and a parsonage in an NC-2, Small Scale Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
16. 2008.0140C (M. SMITH: (415) 558-6322)
4127-4129 18TH STREET - south side between Castro and Collingwood Streets, Lot 036 in Assessor's Block 2695 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 703.4 to expand a formula retail pharmacy (d.b.a Walgreen's) into the adjacent storefront and Section 715.21 to establish a Use Size greater than 1,999 square feet in the Castro Neighborhood Commercial District, the Upper Market Special Sign District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Disapproval
17. (M. CORRETTE: (415) 558-6295)
ADOPTION OF THE FINDINGS OF THE MARKET AND OCTAVIA AREA PLAN SURVEY (SURVEY) - Informational presentation - The Survey consists of buildings within the Area Plan boundaries, built in or before 1961, and not previously surveyed. Survey products generated by the consultant include: Market and Octavia Area Plan Context Statement; Survey Report; 1563 DPR 523A forms; 155 DPR 523D forms and 9 DPR 523D records. The Planning Department has drafted 2 DPR 523D records as a substitute for one of the 9 consultant-prepared DPR 523D records. On December 17, 2008, the Landmarks Preservation Advisory Board (Landmarks Board) endorsed Survey findings, and recommended the Planning Commission to adopt with conditions. The Market and Octavia Area Plan Context Statement was prepared in conjunction with the Survey and was reviewed and endorsed by the Landmarks Board on December 19, 2007. Please note: This will be the first of two hearings on the survey. This first hearing will be an informational presentation by Planning Staff, and the consultant team of Page & Turnbull. The Department will seek Commission adoption at the second hearing scheduled for February 12th, 2009.

18. 2009.0010U (A. RODGERS: (415) 558-6395)
ADOPTION OF BASELINE INVENTORY OF LARGE TOURIST HOTEL ROOMS - Section 41F.3(g) of the Administration Code requires that a "baseline" inventory of the number of rooms commercially available for rent as of March 1, 2009 in Large Tourist Hotels (hotels with over 100 rooms) be adopted by the Planning Commission. This Section further requires that an "annual" inventory of the number of Tourist Hotel Rooms commercially available for rent be updated each year thereafter. On May 23, 2008, the Department prepared a draft list of Large Tourist Hotel rooms. This list is available at http://www.sfgov.org/site/planning_index.asp?id=81515. The Commission may adopt the Baseline Inventory at this hearing or any hearing prior to March 15, 2009.
Preliminary Recommendation: Adoption of Baseline Inventory.
19. 2008.1358T (A. RODGERS: (415) 558-6395)
AMENDMENTS TO PLANNING CODE SECTIONS 803.4 AND 815: MESSAGE SERVICES IN SOUTH OF MARKET RESIDENTIAL/SERVICE MIXED USE DISTRICT. [BOARD FILE NO. 08-1504] - Ordinance introduced by Supervisors Dufty and Daly amending San Francisco Planning Code by amending Section 803.4 Uses Prohibited in SoMa Districts, Section 815 Residential/Service Mixed Use District, and Table 815 to allow a business operating as a full-service spa to provide massage services with a Conditional Use authorization; and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
- 20a. 2008.0734TZ (L. LANGLOIS: (415) 575-9063)
India Basin Industrial Park Zoning Update - an area generally bounded by Cargo Way to the north, Jennings Street to the east, the southern property-lines of the parcels facing Galvez or Fairfax Streets on their south sides to the south, and Third Street to the west. **Proposal to amend the Planning Code by adding Planning Code Section 249.42 establishing the India Basin Industrial Park Special Use District and land use and setback provisions thereto per Planning Code Sections 302 and 306.3 .** The proposed ordinances coincide with the expiration of the India Basin Industrial Park Redevelopment Area and Plan and its transition to the Planning Department for entitlement authority. Blocks 4570, 5203, 5235 and 5236 are within M-2 (Heavy Industrial) Use District and proposed to be within PDR-2 (Production, Distribution and Repair) Use District. Blocks 5237 and 5242 are within M-1 (Light Industrial) Use District and proposed to be within PDR-2 (Production, Distribution and Repair) Use District. Blocks 5239 and 5240 are within M-1 (Light Industrial) Use District and proposed to be within PDR-1-B (Light Industrial Buffer) Use District. The portions of Blocks 4602A, 5253 and 5254 that are within the subject area are within M-1 (Light Industrial) Use District and proposed to be within PDR-1-B (Light Industrial Buffer) Use District. Block 5241 is within M-1 (Light Industrial) Use District and proposed to be within PDR-2 (Production, Distribution and Repair) Use District, with the exception of Lot 018 which is proposed to be within PDR-1-B (Light Industrial) Use District. The entire subject area is within a 65-J Height and Bulk District, which is not proposed to change.
Preliminary Recommendation: Approval
- 20b. 2008.0734TZ (L. LANGLOIS: (415) 575-9063)
India Basin Industrial Park Zoning Update - an area generally bounded by Cargo Way to the north, Jennings Street to the east, the southern property-lines of the parcels facing Galvez or Fairfax Streets on their south sides to the south, and Third Street to the west. **Proposal for a Planning Code Map Amendment per Planning Code Sections 302 and 306.3 to rezone Blocks 4570, 5203, 5235 and 5236 from M-2 (Heavy Industrial) to PDR-2 (Production, Distribution and Repair) Use Districts; Blocks 5237 and 5242 from M-1 (Light Industrial) to PDR-2 (Production, Distribution and Repair) Use**

Districts; Blocks 5239 and 5240 from M-1 (Light Industrial) to PDR-1-B (Light Industrial Buffer) Use Districts; the portions of Blocks 4602A, 5253 and 5254 that are within the subject area are zoned M-1 (Light Industrial), from M-1 (Light Industrial) to PDR-1-B; Block 5241 from M-1 (Light Industrial) to PDR-2 (Production, Distribution and Repair) Use District, with the exception of Lot 018 to PDR-1-B (Light Industrial Buffer) Use District. The entire subject area is also proposed to be within the India Basin Industrial Park Special Use District. The proposed ordinances coincide with the expiration of the India Basin Industrial Park Redevelopment Area and Plan and its transition to the Planning Department for entitlement authority. The subject area is within a 65-J Height and Bulk District, which is not proposed to change. Preliminary Recommendation: Approval

6:00 P.M. -- [Although the following items may be called after the listed time, they will not be called before.]

21. 2008.1145D (B. BENDIX: (415) 575-9089)
 2975 SAN BRUNO AVENUE - between Dwight and Woolsey Streets; Assessor's Block 5458, Lot 026 - **Request for Discretionary Review** of Building Permit 2008.06.25.5278 to convert the existing ground floor retail space formerly known as Best Tile and Building Supply, to a billiard parlor and bar dba Jimmy Billiard Palace. The property is located within an NC-2 (Small Scale Neighborhood Commercial) District with a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and disapprove the project.
- 22a. 2009.0038D (A. HEITTER: (415) 558-6602)
 32-40 VARENNES STREET - east side between Green and Union Streets; Lot 036 in Assessor's Block 0115 - **Request for Staff-Initiated Discretionary Review** of Building Permit Application No. 2008.07.28.7751; proposal to reconfigure a dwelling unit for installation of a garage opening and ramp in an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and disapprove project.
- 22b. 2008.1340D (A. HEITTER: (415) 558-6602)
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 Preliminary Recommendation: Do not take Discretionary Review and approve project.

G. PUBLIC COMMENT

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Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, February 12, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

FEB - 6 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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Or

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And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

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1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 2008.1326T (T. SULLIVAN-LENANE: (415) 558-6257)
AMENDMENTS TO THE PLANNING CODE SECTION 315.6: AFFORDABLE HOUSING IN-LIEU FEES - Ordinance introduced by Supervisor Daly amending the San Francisco Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units. Preliminary Recommendation: Approval.
(Proposed for Continuance to February 19, 2009)
- 2006.0070T (C. NIKITAS: (415) 558-6306)
IMPLEMENTATION OF LEGISLATION TO CONTROL THE LOSS OF DWELLING UNITS - Code Implementation Document - Proposed procedures and criteria to implement newly-adopted Code Section 317 requiring Planning Commission hearings for the removal of certain dwelling and live-work units. The document also sets numerical criteria, some of which are subject to administrative adjustment in response to changing economic conditions.
Preliminary Recommendation: Adoption
(Continued from Regular Meeting of January 22, 2009)
(Proposed for Continuance to March 12, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

- 2008.1337C (A. BEN-PAZI: (415) 575-9077)
1301 POLK STREET - west side between Bush and Austin Streets, Lot 003 in Assessor's Block 0667 - **Request for Conditional Use Authorization** under Planning Code Section 723.54 for a Massage Establishment in the Polk Street Neighborhood Commercial Zoning District and a 65-A Height and Bulk District. The Thai Massage Establishment DBA "La Biang Thai Massage Therapy & Reflexology", which is currently operating at 1339 Polk Street, proposes to relocate to 1301 Polk Street. No physical expansion of the building is proposed.
Preliminary Recommendation: Approval with Conditions

4. 2008.0408C (G. CABREROS: (415) 558-6169)
1167-1171 STANYAN STREET - west side between Alma and Grattan Streets, Lots 017 and 018 in Assessor's Block 2630 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 317 to demolish three residential units within two existing structures and to construct a three-story over garage, single-family residence and a three-story over garage, two-unit building in an RH-2 (Residential, House, Two Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

5. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

6. Director's Announcements
7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals and Historic Preservation Commission.
8. (A. JOHN-BAPTISTE: (415) 558-6547)
BUDGET FY2009-2010: DRAFT BUDGET, WORK PROGRAM, AND PERFORMANCE MEASURES - **Informational Presentation** to review and seek Commission advice on the Department's draft FY2009-2010 Budget Proposal, Work Program, and Performance Measures.
9. (C. NIKITAS (415)-558-6306)
BRIEFING AND DISCUSSION ON "LIGHTS OUT FOR BIRDS" - **Informational Item** - a voluntary program to turn off unneeded building lights at night during key times of the annual migratory bird cycle. Past and current Conservation Directors of the Golden Gate Audubon Society will present information about the program, which has been successfully implemented in several cities, resulting in the saving of electrical power, money, and other resources, and greatly reducing bird mortality.
Preliminary Recommendation: - No action to be taken

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

10. 2005.0893E (B. BOLLINGER: (415) 575-9024)
1650 BROADWAY (A.K.A. 1622-1662 BROADWAY) - **Preliminary Mitigated Negative Declaration** - The proposed project at 1650 Broadway includes the merger of two vacant lots (Assessor's Block 0570, Parcels 10 and 11) and construction of a new seven-story,

approximately 75-foot-tall, 55,900 gross square foot (gsf) residential building with 34 units and a two-level subterranean parking garage with 49 independently accessible spaces. The 13,624-square-foot project site is located on the north side of Broadway, between Van Ness Avenue and Franklin Street in the Pacific Heights Neighborhood and is currently being used for private parking. The project site is within a RM-3 (Residential, Mixed, Medium Density) use district and an 80-A height and bulk district. The project would require Conditional Use authorization for the portion of the building height above 40 feet in a residential zoning district, and a variance for rear yard modification. Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration

11. 2008.0862C. (G. CABREROS: (415) 558-6169)
1622-1662 BROADWAY - north side between Van Ness Avenue and Franklin Street, Lots 010 and 011 in Assessor's Block 0570 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 253 and 303 to allow development of a building that exceeds 40 feet in height. The project proposes new construction of a seven-story, 34-unit residential building with 49 underground parking spaces on a property currently used as a parking lot within an RM-3 (Residential, Mixed, Medium Density) Zoning District and an 80-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
12. 2004.0764E (I. NISHIMURA: (415) 575-9041)
1634-1690 PINE STREET - northeast corner of Pine and Franklin streets; Lots 007, 008, 009, 0101, 011, and 011a in Assessor's Block 0647 - **Public Hearing on the Draft Environmental Impact Report (EIR)**. The proposed project would involve demolition of five historic architectural buildings and a parking lot, and construction of a two-tower residential-commercial mixed-use building with an underground five-level parking garage on an approximately 35,460-square-foot site. There would be a 155-foot high, 15-story tower in the east portion of the project site and a 240-foot tall, 24-story tower in the west portion of the site. The two towers would be connected with an 18-foot tall entrance lobby. The project would include 283 dwelling units and approximately 6,400 square feet of ground floor commercial/restaurant space, and up to 317 parking spaces, for a total building area of approximately 377,815 square feet. The project site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) District and a 130-E Height and Bulk District. The proposed project would require a Zoning Map amendment to reclassify the Height and Bulk District; and authorization of Conditional Use for a proposed project on a 10,000-square-foot or larger site within an NC-3 District and for a Planned Unit Development (PUD). In addition, the proposed off-site affordable housing project site at 800 Presidio Avenue may need to be approved as Special Use District (SUD).
Note: Written comments on the Draft EIR will be accepted in the Planning Department's offices until 5 p.m. on Tuesday, February 17, 2009.
Preliminary Recommendation: No Action Required.
13. 2009.0010U (A. RODGERS: (415) 558-6395)
ADOPTION OF BASELINE INVENTORY OF LARGE TOURIST HOTEL ROOMS - Section 41F.3(g) of the Administration Code requires that a "baseline" inventory of the number of rooms commercially available for rent as of March 1, 2009 in Large Tourist Hotels (hotels with over 100 rooms) be adopted by the Planning Commission. This Section further requires that an "annual" inventory of the number of Tourist Hotel Rooms commercially available for rent be updated each year thereafter. On May 23, 2008, the Department prepared a draft list of Large Tourist Hotel rooms. This list is available at http://www.sfgov.org/site/planning_index.asp?id=81515. The Commission may adopt the Baseline Inventory at this hearing or any hearing prior to March 15, 2009.
Preliminary Recommendation: Adoption of Baseline Inventory.
(Continued from Regular Meeting of February 5, 2009)

14. 2008.1110E (A. CONTRERAS: (415) 575-9044)
6600 THIRD STREET - west side between Le Conte Avenue and Keith Street; Lot 9 of Assessor's Block 5476 - **Appeal of Preliminary Negative Declaration** for the proposed demolition of a two-story, 43-room hotel ("Franciscan Motel") and construction of a three-to five-story, 100 percent affordable residential building with 73 units, 8,685 sf of supportive services/common area, and a 21-space garage accessed from Le Conte Avenue. The 26,245 sf project site is located in a RM-1 Zoning District within the Bayview Hunters Point Redevelopment Plan Area.
 Preliminary Recommendation: Uphold Preliminary Negative Declaration
15. (M. CORRETTE: (415) 558-6295)
ADOPTION OF THE FINDINGS OF THE MARKET AND OCTAVIA AREA PLAN SURVEY (SURVEY) - **Informational presentation - The Survey consists of buildings within the Area Plan boundaries, built in or before 1961, and not previously surveyed.** Survey products generated by the consultant include: Market and Octavia Area Plan Context Statement; Survey Report; 1563 DPR 523A forms; 155 DPR 523D forms and 9 DPR 523D records. The Planning Department has drafted 2 DPR 523D records as a substitute for one of the 9 consultant-prepared DPR 523D records. On December 17, 2008, the Landmarks Preservation Advisory Board (Landmarks Board) endorsed Survey findings, and recommended the Planning Commission to adopt with conditions. The Market and Octavia Area Plan Context Statement was prepared in conjunction with the Survey and was reviewed and endorsed by the Landmarks Board on December 19, 2007. Please note: This will be the first of two hearings on the survey. This first hearing will be an informational presentation by Planning Staff, and the consultant team of Page & Turnbull. The Department will seek Commission adoption at the second hearing.
 (Continued from Regular Meeting of February 5, 2009)

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

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Adjournment:

55
14
2/12/09
addendum

ADDENDUM SAN FRANCISCO PLANNING COMMISSION Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, February 12, 2009

1:30 PM
Regular Meeting

02-09-09P03-50 REV0
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F. REGULAR MEETING

15.

(M. CORRETTE: (415) 558-6295)

ADOPTION OF THE FINDINGS OF THE MARKET AND OCTAVIA AREA PLAN SURVEY (SURVEY) - Informational presentation and Proposed Adoption - The Survey consists of buildings within the Area Plan boundaries, built in or before 1961, and not previously surveyed. Survey products generated by the consultant include: Market and Octavia Area Plan Context Statement; Survey Report; 1563 DPR 523A forms; 155 DPR 523D forms and 9 DPR 523D records. The Planning Department has drafted 2 DPR 523D records as a substitute for one of the 9 consultant-prepared DPR 523D records. On December 17, 2008, the Landmarks Preservation Advisory Board (Landmarks Board) endorsed Survey findings, and recommended the Planning Commission to adopt with conditions. The Market and Octavia Area Plan Context Statement was prepared in conjunction with the Survey and was reviewed and endorsed by the Landmarks Board on December 19, 2007. Please note: This will be the first of two hearings on the survey. This first hearing will be an informational presentation by Planning Staff, and the consultant team of Page & Turnbull. ~~The Department will seek Commission adoption at the second hearing.~~
Preliminary Recommendation: Adopt staff's recommendation.
(Continued from Regular Meeting of February 5, 2009)

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1. 2008.1296P (C. JAROSLAWSKY: (415) 558-6348)
JOHN MUIR DRIVE - southwest corner near Lake Merced; Lot 004 in Assessor's Block 7283 - **Request for Coastal Zone Permit** - pursuant to Planning Code Sections 330.1, to repair storm damage to the sidewalk, requiring immediate action to mitigate loss or damage to public safety and services. An Emergency Coastal Zone Permit was issued by the Planning Department on August 13, 2008 to repair the partially collapsing sidewalk. The site is located in a P Zone (Public) and OS (Open Space) District and Local Coastal Zone Permit Area.
Preliminary Recommendation: Approval
(Proposed for Continuance to March 19, 2009)
- 2a. 2006.1065DDDD (S.VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lot 005 (proposed to be lots 036 and 037) in Assessor's Block 1258 - **Requests for Discretionary Review** of Building Permit Application No. 2006.09.20.2886, proposing to demolish an existing garage and to construct a new four-story, three-unit building at 52 Alpine Terrace that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East (requiring a Variance, Item XXX) in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The existing three-car garage structure at 52 Alpine Terrace would be demolished.
Preliminary Recommendation: Do not take Discretionary Review and Approve
(Proposed for Continuance to March 12, 2009)
- 2b. 2006.1065V (S.VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lot 005 (proposed to be lots 036 and 037) in Assessor's Block 1258 - **Request for a Parking Variance** for two required off-street parking spaces that would be provided on a separate lot than the dwelling units in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The project proposes to demolish an existing garage and to construct a new four-story, three-unit building that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East. The request will be heard by the Zoning Administrator.
(Proposed for Continuance to March 12, 2009)

E. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There

will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2007.1250T (J. SWITZKY: (415) 575-6815)
INITIATE AMENDMENT TO PLANNING CODE SECTION 309.1 - Consideration of a Resolution of Intent to Initiate an Ordinance to amend Section 309.1 of the Planning Code to allow the commission to grant, as exceptions per Section 309.1, minor measurement modifications that would otherwise be permitted under Section 304 for a qualifying Planned Unit Development for projects in Downtown Residential Districts.
Preliminary Recommendation: Approval.
4. 2008.1356C (E. WATTY: (415) 558-6620)
3950 – 24TH STREET / 465 ELIZABETH STREET - north side between Sanchez and Noe Streets; Lots 041 and 028 in Assessor's Block 3654 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303(c), 303(i), 703.4, 728.40, and 790.102(a), to allow a new formula retail grocery store (d.b.a. Whole Foods) to operate within the 24th Street – Noe Valley Neighborhood Commercial District and 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions.
5. 2008.1347C (C. LAMORENA: (415) 575-9085)
404 BALBOA STREET - north side between 5th and 6th Avenues; Lot 023 of Assessor's Block 1548 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 711.54 and 303, to convert a vacant retail store into a foot massage establishment (dba Relax Feet), located in an NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
- 6a. 2006.1460D (M. SMITH: (415) 558-6322)
268 MADISON STREET - west side between Silliman and Felton Streets; Lot 008 in Assessor's Block 5943 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of residential demolition, of Demolition Permit Application No. 2007.11.07.7568, proposing to demolish a one-story, single-family dwelling on a double width lot in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.
- 6b. 2008.1203D (M. SMITH: (415) 558-6322)
268 MADISON STREET - west side between Silliman and Felton Streets; Lot 008 in Assessor's Block 5943 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the replacement building in association with residential demolition, of Building Permit Application No. 2007.11.07.7585 (Northern Building), to construct a two-story over garage, single-family dwelling in a RH-1 (Residential, House, One -Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the new building permit.
- 6c. 2008.1382D (M. SMITH: (415) 558-6322)
268 MADISON STREET - west side between Silliman and Felton Streets; Lot 008 in Assessor's Block 5943 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the replacement building in association with residential demolition, of Building Permit Application No. 2007.11.07.7587 (Southern Building), to construct a two-story over garage, single-family dwelling in a RH-1 (Residential, House, One -Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the new building permit.

- 7a. 2006.1102D (M. SMITH: (415) 558-6322)
1409 SANCHEZ STREET - east side between 27th and Duncan Streets; Lot 031 in Assessor's Block 6592 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of residential demolition, of Demolition Permit Application No. 2008.10.20.4543, proposing to demolish a one-story, single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.
- 7b. 2008.1209D (M. SMITH: (415) 558-6322)
1409 SANCHEZ STREET - east side between 27th and Duncan Streets; Lot 031 in Assessor's Block 6592 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the replacement building in association with residential demolition, of Building Permit Application No. 2008.10.20.4546, to construct a two-story over garage and basement, two-family dwelling in an RH-2 (Residential, House, Two - Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the new building permit.

B. COMMISSIONERS' QUESTIONS AND MATTERS

8. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

9. Director's Announcements
10. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

F. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

11. 2008.0720C (P. LAVALLEY: (415) 575-9084)
988 VALENCIA STREET - west side between Liberty and 21st Streets, Lot 009 in Assessor's Block 3608 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303, 703.3, and 703.4 to establish a formula retail use (dba American Apparel) in the Valencia Neighborhood Commercial District. The subject property is within a 50-X Height and Bulk District and is a contributing resource to the Liberty-Hill Historic District designated under Article 10 of the Planning Code. No building expansion is proposed.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of February 5, 2009)
NOTE: On February 5, 2009, following public testimony, the Commission closed public hearing and passed a motion of intent to disapprove by a vote of +6 -0. Commissioner Lee was absent. Final Language is scheduled on February 19, 2009.

F. REGULAR CALENDAR

12. (T. EGAN: (415) 554-5268)
REVIEW OF THE STATE OF THE ECONOMY – Informational Presentation - on the state of the economy by Ted Egan, Chief Economist - Office of the Controller.
13. (A. JOHN-BAPTISTE: (415) 558-6547)
BUDGET FY 2009-2010: Review and approval of the San Francisco Planning Department's budget and work program.
14. 2008.1326T (T. SULLIVAN-LENANE: (415) 558-6257)
AMENDMENTS TO THE PLANNING CODE SECTION 315.6: AFFORDABLE HOUSING IN-LIEU FEES - Ordinance introduced by Supervisor Daly amending the San Francisco Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units. Preliminary Recommendation: Approval.
(Continued from the Regular Meeting of February 12, 2009)
15. (S. SANCHEZ: (415) 558-6326)
CONSIDERATION OF ADOPTION OF COMMISSION POLICY ON EXTENSION OF ENTITLEMENT FOR OFFICE DEVELOPMENT ANNUAL LIMIT AND OTHER MAJOR PROJECTS - Informational presentation on impacts associated with current state of the economy on land-use development projects, update on status of the Office Development Annual Limit, including review of entitled projects that have exceeded their statutory eighteen-month approval period, and review of potential policies regarding the extension of entitlements for Office Development Annual Limit (Annual Limit Program) projects and other major projects, including those within the Downtown Residential District (DTR) and projects under the purview of the Planning Commission and/or Zoning Administrator.
- 16a. 2007.1259EKTZC (S. VELLVE: (415) 558-6263)
1500 PAGE STREET - northwest corner of Page Street and Masonic Avenue; Lot 004 in Assessor's Block 1223 - **Amendment to the Planning Code to add Section 249.37** for the creation of a Special Use District, the 1500 Page Street Residential Care Special Use District and an Amendment of the Planning Code to add Section 263.22 to create a special height control for the 1500 Page Street Residential Care Special Use District of a 55-X Height and Bulk District to allow rehabilitation and expansion of the existing but vacant residential care use. The proposal is to add a fifth floor and a

required egress stair within the required rear yard of the existing four-story building used for residential care. The building use would continue as a residential care facility for up to 48 residents and would be upgraded to provide permanent supportive housing for formerly homeless residents. The proposed Special Use District would provide the following exceptions from Planning Code requirements upon approval of Conditional Use: Floor Area Ratio (FAR), required rear yard, expansion of a non-complying structure, front setback, and off-street loading requirements. The proposal is sponsored by a non-profit agency (AgeSong) in conjunction with the Mayor's Office of Housing. The proposal is to The property is located within an RM-1 (Residential, Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Adopt the Resolution

Note: One resolution has been developed for both the Planning Code and Zoning Map Amendments

- 16b. 2007.1259EKTZC (S. VELLVE: (415) 558-6263)
1500 PAGE STREET - northwest corner of Page Street and Masonic Avenue; Lot 004 in Assessor's Block 1223 - **Amendment to the Zoning Map, Sheet 6SU – Land Use Districts to create and delineate the 1500 Page Street Residential Care Special Use District and an Amendment to the Zoning Map, Sheet 6H – Height Districts to change the Height and Bulk District classification of the subject property from 40-X to 55-X.**for the project and property referenced in item 15a above.

Preliminary Recommendation: Adopt the Resolution

Note: One resolution has been developed for both the Planning Code and Zoning Map Amendments.

- 16c. 2007.1259EKCTZ (S. VELLVE: (415) 558-6263)
1500 PAGE STREET - northwest corner of Page Street and Masonic Avenue; Lot 004 in Assessor's Block 1223 - **Request for Conditional Use Authorization** to allow rehabilitation and expansion of the existing but vacant residential care use by (1) modifying the FAR requirement; (2) modifying the required rear yard, (3) expansion of a non-complying structure; (4) modifying the front setback; (5) modifying the off-street loading requirements for the property and proposal described in Item 15a.

Preliminary Recommendation: Approval with Conditions.

17. (M. CORRETTE: (415) 558-6295)
ADOPTION OF THE FINDINGS OF THE MARKET AND OCTAVIA AREA PLAN HISTORIC RESOURCES SURVEY (SURVEY) - **Presentation and Survey adoption.** – This hearing will consist of both (1) a presentation by Planning Staff, and the consultant team of Page & Turnbull on the Market and Octavia Area Plan Historic Resource Survey, and (2) proposed Commission action adopting the Survey. The Survey consists of buildings within the Area Plan boundaries, built in or before 1961, and not previously surveyed. Survey products generated by the consultant include: Market and Octavia Area Plan Context Statement; Survey Report; 1563 DPR 523A forms; 155 DPR 523D forms and 9 DPR 523D records. The Planning Department has drafted 2 DPR 523D records as a substitute for one of the 9 consultant-prepared DPR 523D records. On December 17, 2008, the Landmarks Preservation Advisory Board (Landmarks Board) endorsed Survey findings, and recommended the Planning Commission to adopt with conditions. The Market and Octavia Area Plan Context Statement was prepared in conjunction with the Survey and was reviewed and endorsed by the Landmarks Board on December 19, 2007.

Preliminary Recommendation: Adopt staff's recommendation.

Please note: This single action item is the consolidation of two previously calendared hearing items on the Survey originally scheduled as Item 17 on the Planning Commission's February 5th calendar, and as Item 15 on the Planning Commission's February 12th Calendar and Addendum.

6:00 P.M. -- [Although the following items may be called after the listed time, they will not be called before.]

18. 2008.0971D (S. LAI: (415) 575-9087)
177 INVERNESS DRIVE - west side between Ocean Avenue and Eucalyptus Drive; Lot 013 in Assessor's Block 7245 - **Request for Discretionary Review** of Building Permit Application No. 2008.05.27.2882 proposing to construct a two-story horizontal rear addition to an existing single-family dwelling. The property is located in an RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.
19. 2008.1287D (S. MIDDLEBROOK: (415) 558-6372)
1381 SANCHEZ STREET - east side between Cesar Chavez and 27th Streets; Lot 025 in Assessor's Block 6579 - **Request for Discretionary Review** of Building Permit Application No. 2008.09.23.2413 proposing to enclose the existing rear stairs along the south property line in order to accommodate a reconfigured interior at the first floor and the ground level at the rear. The subject building is a single-family home located within an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Approve the Project with Modifications

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, February 26, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

FEB 20 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sof@sfgov.org

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2001.1056E (L. KIENKER: (415) 575-9036)
280 DIVISADERO STREET CARRIAGE HOUSE - east side of Divisadero Street between Page and Haight Streets; Lot 023 in Assessor's Block 1238 – **Certification of the Final Environmental Impact Report**. The proposed project would replace an existing approximately 1,340-square foot (sf) carriage house structure, part of Landmark No. 190, the Charles L. Hinkel House, for a single residential unit within the same building footprint as the existing structure and attached garage, at the northeast corner property lines of the 6,875-sf lot. The proposed structure would be two stories in height and include a deck over an attached garage. The proposed project would not modify the main three-story over garden-level residential structure. The project would require approval of a Variance for construction within the required setbacks and a Certificate of Appropriateness pursuant to Article 10 for demolition and new construction. The project would have a significant impact on Landmark No. 190, constructed in 1885.
Preliminary Recommendation: Certify the Final EIR
Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on June 18, 2007. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission in writing prior to the hearing or during the Public Comment portion of the Commission calendar.
(Proposed for Continuance to March 19, 2009)
2. 2006.1431E (D. DWYER: (415) 575-9031)
1960-1998 MARKET STREET/PROJECT TITLE - north side between Laguna and Buchanan; Lots 005, 006 and 007 of Assessor's Block 0872 - **Appeal of Preliminary Negative Declaration** for the proposed project consisting of the demolition of the existing a surface parking lot with approximately 20 carshare parking spaces; Union 76 gas station comprised of a 1,710-square-foot, one-story building, three islands with gas pumps sheltered by metal canopy approximately 15 feet in height, and two 12,000-gallon underground storage tanks (USTs); and two 12 ft x 25 ft general advertising signs. The proposed project also would construct a nine-story, 85-foot-tall mixed-use building totaling approximately 146,800 gross square feet in area, including ground floor parking with approximately 108 condominium units, 86 off-street parking spaces located on the ground floor and in two below-grade garage levels, and three ground-floor commercial spaces totaling 8,150 square feet. The 21,200-square-foot project site is located at the northeast corner of the intersection of Market, Duboce and Buchanan Streets in an NCT-3 (Neighborhood Commercial Transit) Zoning District and 85-X Height and Bulk District.
Preliminary Recommendation: Uphold Preliminary Negative Declaration
(Continued from Regular Meeting of January 8, 2009)
(Proposed for Continuance to March 19, 2009)
3. 2008.1393T (T. SULLIVAN-LENANE: (415) 558-6257)

ORDINANCE RESCINDING PLANNING CODE ARTICLES 10 & 11 IN THEIR ENTIRETY AND ADOPTING A NEW ARTICLE 10 & 11, AND ADDING NEW PLANNING CODE SECTION 176(F) [BOARD FILE NO. 08-1565] - Ordinance introduced by Supervisor Daly and former Supervisor Peskin that would rescind Articles 10 and 11 from the Planning Code in its entirety and adopting a new Article 10 and 11 to implement the provisions of the new San Francisco Charter Section 4.135 (Historic Preservation Commission), and to add Section 176(f).

Preliminary Recommendation: Pending.

(Continued from Regular Meeting of January 22, 2009)

(Proposed for Continuance to April 9, 2009)

4. 2008.1147T (T. SULLIVAN-LENANE: (415) 558-6257)
AMENDMENTS TO ARTICLES 10 AND 11 AND ADDING A NEW SECTION 309.3 OF THE PLANNING CODE - Ordinance introduced by Mayor Newsom amending Articles 10 and 11 and adding a new Section 309.3 of the Planning Code, contingent on voter approval in the November 4, 2008 general election of the proposed Charter amendment creating an Historic Preservation Commission, to provide additional criteria for Planning Commission review of Historic Preservation Commission decisions, to provide for Section 309 review at the discretion of the Planning Department Director of certain projects requiring Certificates of Appropriateness under Article 10 of the Planning Code, and to create a rebuttable presumption of compatibility for certain projects requiring Certificates of Appropriateness under Article 10 of the Planning Code; adopting findings, including environmental findings and findings required by Section 101.1 of the Planning Code.
 Preliminary Recommendation: Approval
 (Continued from Regular Meeting of January 22, 2009)
 (Proposed for Continuance to April 9, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

- 5a. 2008.1215CV (C. TEAGUE: (415) 575-9081)
827 GUERRERO STREET - east side between 20th Street and Liberty Street, Lot 076 in Assessor's Block 3608 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 209.2(a) and 303 for a 20-bed group housing facility in an RH-2 (Residential, House Districts, Two-Family District) and a 40-X Height and Bulk District. The proposal is to convert the existing building—previously a residential care facility (dba Chateau Agape) into a group housing facility (dba The Alternative to Meds Center) with a maximum of 15 bedrooms and 20 beds and 1 off-street parking space. No changes are proposed for the existing building.
 Preliminary Recommendation: Approval
- 5b. 2008.1215CV (C. TEAGUE: (415) 575-9081)
827 GUERRERO STREET - east side between 20th Street and Liberty Street, Lot 076 in Assessor's Block 3608 - **Request for a Parking Variance** pursuant to Planning Code Sections 151 and 305 to provide only 1 of the 5 required off-street parking spaces for a 20-bed group housing facility in an RH-2 (Residential, House Districts, Two-Family District) and a 40-X Height and Bulk District. The proposal is to convert the existing building previously a residential care facility (dba Chateau Agape)—into a group housing

facility (dba The Alternative to Meds Center) with a maximum of 15 bedrooms and 20 beds.

6. 2008.0528Q (A. HOLLISTER: (415) 575-9078)
860 WALLER STREET - north side between Webster and Buchanan Streets, Lot 018 in Assessor's Block 1240 - **Public hearing, under Article 9 of the Subdivision Code, to determine consistency of a proposed five-unit Condominium-Conversion Subdivision with the General Plan**, located in an RH-3 (Residential, House, Three Family) District and a 40-X Height and Bulk District. The proposal is to convert the existing five-unit building to a condominium form of ownership and does not involve expansion, alteration or demolition of the existing building.
 Preliminary Recommendation: Approval
7. 2007.0901Q (A. HOLLISTER: (415) 575-9078)
235 WALLER STREET - south side between Webster and Buchanan Streets, Lot 035 in Assessor's Block 0869 - **Public hearing, under Article 9 of the Subdivision Code, to determine consistency of a proposed six-unit Condominium-Conversion Subdivision with the General Plan**, located in an RTO (Residential, Transit-Oriented) District and a 40-X Height and Bulk District. The proposal is to convert the existing six-unit building to a condominium form of ownership and does not involve expansion, alteration or demolition of the existing building.
 Preliminary Recommendation: Approval
8. 2008.1408C (S. YOUNG: (415) 558-6346)
614 IRVING STREET - north side between 7th and 8th Avenues; Lot 021 in Assessor's Block 1743 - **Request for Conditional Use Authorization** under Sections 730.51 and 303 of the Planning Code to convert vacant commercial space (previously occupied by a television sales and repair shop dba Irving Electronics) into a dental office dba Svetlana Yesin, D.D.S. within the Inner Sunset Neighborhood Commercial Zoning District and a 40-X Height and Bulk District
 Preliminary Recommendation: Approval with Conditions
9. 2008.1289C (M. WOODS: (415) 558-6315)
630 IRVING STREET - north side between 7th and 8th Avenues; Lot 023 in Assessor's Block 1743 - **Request for Conditional Use Authorization** to allow a "formula retail use" (dba Crossroads Trading Company, Inc.) pursuant to Sections 303(c), 303(i) and 703.4 of the Planning Code, in the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to convert a vacant retail space (formerly "Black Oak Books") to a retail clothing store for Crossroads Trading Company, Inc., which is a formula retail use. Crossroads Trading Company would vacate its current premises at 555 Irving Street to relocate to the project site. The proposed project will occupy the entire building, approximately 2,800 square feet. The proposal involves interior remodeling work with minimal exterior improvements, while maintaining the existing building envelope and height. The existing building has no off-street parking or loading spaces and none is required or proposed.
 Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

10. Commission Comments/Questions
 - Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that

could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

11. Director's Announcements
12. Review of Past Week's Events at the Board of Supervisors, Board of Appeals and the Historic Preservation Commission.
13. (S. DENNIS-PHILLIPS 558-6314)
2009 HOUSING ELEMENT UPDATE - **Informational presentation** to discuss progress to date on the 2009 Housing Element - The presentation will include an update on the remaining tasks and timeline for the project, including the ongoing outreach strategy to gather public input for the Housing Element.
14. 2006.0460C (J. IONIN: (415) 558-6309)
690 STANYAN STREET MIXED USE DEVELOPMENT - **Informational Presentation** - to present refined architectural, landscape and loading plans subject to the review and approval of the Director of Planning, with the advice of the Planning Commission, with special attention to location of HVAC, cooling systems and air vents of the parking garage to mitigate impacts to residents along Page Street, for the project heard and approved by the Planning Commission on October 23, 2008.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

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F. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

G. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

15. 2008.1326T (T. SULLIVAN-LENANE: (415) 558-6257)
AMENDMENTS TO THE PLANNING CODE SECTION 315.6: AFFORDABLE HOUSING IN-LIEU FEES - Ordinance introduced by Supervisor Daly amending the San Francisco Planning Code Section 315.6 of the Residential Inclusionary Affordable Housing Program to provide that ten percent (10%) of in lieu fees paid under Section 315.6, not to exceed a maximum of \$15 million at any one time, be designated exclusively for the acquisition and/or rehabilitation of affordable housing sites consisting of less than 25 units. Preliminary Recommendation: Approval.
(Continued from the Regular Meeting of February 12, 2009)
NOTE: On February 19, 2009, following public testimony, the Commission closed public hearing and passed a motion of intent to approve with modification by a vote of +6 -1. Commissioner Miguel voted no. Final Language is scheduled to February 26, 2009.

H. REGULAR CALENDAR

16. 2009.0056U (J. SWITZKY: (415) 575-6815)
425 FIRST STREET - Motion to Authorize Allocation of up to \$1,552,973 from Rincon Hill Community Improvements Fund To Reimburse One Rincon Hill Development, LP Pursuant to Planning Code Sections 318 et seq. For New In-Kind Public Street Improvements on First and Harrison Streets. As of September 2008, a total of approximately \$1,208,500 is available in the Fund, all in the form of Mello-Roos bond proceeds and held in trust by ABAG. One Rincon Hill Development, LP (the "Project Sponsor") is currently completing construction on Phase I of its One Rincon Hill high-rise residential condominium project at 425 First Street (Block 3765, Lot 037; the "Project"). As part of Phase I of the Project, the Project Sponsor has constructed approximately 17,893 square feet of public streetscaping, sidewalk widening, and neighborhood open space infrastructure improvements in the First Street and Harrison Street public rights-of-way (the "Improvements"). The Improvements are of the type and kind called for in the Rincon Hill Area Plan of the General Plan and the Rincon Hill Streetscape Master Plan and are in excess of the open space required to be provided by the Project in satisfaction of Planning Code open space requirements, as well as in excess of basic street tree planting required by Planning Code Section 140 and other right-of-way infrastructure required by other agencies. The Improvements include decorative paving on sidewalks and within the roadway, extensive landscaping on sidewalks, and extensive landscaping and public seating in the First Street right-of-way. The Improvements were designed and implemented in consultation with the Planning Department. The Planning Director determined that the appropriate total value of the Improvements for purposes of fee payment pursuant to Planning Code Section 318.6 is \$1,552,973 and has determined that such amount shall be appropriated from Fund to the Project Sponsor subject to fund availability.
Preliminary Recommendation: Approval
- 17a. 2007.0129D (G. CABREROS; (415) 558-6169)
100 32ND AVENUE - southeast corner of the intersection with El Camino del Mar; Lot 008 in Assessor's Block 1312 - Requests for Discretionary Review of Building Permit Application No. 2007.01.19.2027 proposing to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor at the existing four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve.
- 17b. 2007.0129V (G. CABREROS: 415-558-6169)
100 32ND AVENUE - southeast corner of the intersection with El Camino del Mar; Lot 008 in Assessor's Block 1312 - Request for Variances from Planning Code Sections 133, 134 and 188 to modify a required side yard, the required rear yard and a noncomplying structure. The project proposes to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor at the existing four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.
- 18a. 2008.0319D (E. WATTY: (415) 558-6620)
1515 12TH AVENUE - west side between Kirkham and Lawton Streets, Lot 004 in Assessor's Block 1858 - Mandatory Discretionary Review pursuant to Planning Code Section 317, of Building Permit Application No. 2006.08.25.0622, proposing the demolition of a one-story-over-garage, single-family dwelling, located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

- 18b. 2008.1364D (E. WATTY: (415) 558-6620)
1515 12TH AVENUE - west side between Kirkham and Lawton Streets, Lot 004 in Assessor's Block 1858 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2006.08.25.0627, proposing the construction of a new four-story, two-family dwelling, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the Project as proposed.

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- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting &

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, March 5, 2009

1:30 PM

Regular Meeting

02-07-09ATTN: MR. ROY

GOVERNMENT
DOCUMENTS DEPT

FEB 27 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

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Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

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Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0940C (M. WOODS: (415) 558-6315)
2250 VALLEJO STREET - north side between Fillmore and Webster Streets; Lot 009, in Assessor's Block 0557 - **Request for Conditional Use Authorization** pursuant to Sections 303(c) and 317 of the Planning Code to allow the merger of eleven dwelling units into two dwelling units in a three-story over basement residential building, within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions, including Modifications to Retain More than Two Dwelling Units
(Continued from Regular Meeting of February 5, 2009)
(Proposed for Continuance to March 26, 2009)
2. 2009.0021D (M. SMITH: (415) 558-6322)
4024 26TH STREET - between Noe and Sanchez Streets, Lot 006 in Assessor's Block 6553 - **Request for Discretionary Review** of Building Permit Application No. 2008.10.03.3318, proposing to construct a one-story vertical addition, a front horizontal addition, alter the front façade, and enlarge the rear deck of a two-family dwelling, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve.
(Proposed for Continuance to March 12, 2009)

B. COMMISSIONERS' QUESTIONS AND MATTERS

3. Commission Comments/Questions
 - Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

4. Director's Announcements

Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

5. (A. BEN-PAZI: (415) 575-9077)
301 MISSION STREET - south side between Beal and Fremont Street, Lot 019 in Assessor's Block 3719 - **Informational Presentation of Public Artwork**. On July 31, 2003 the Commission approved a mixed-use building at the site. The conditions of approval include a Public Artwork requirement pursuant to Planning Code Section 149. The conditions of approval also require that the final art concept and location be submitted for review by, and be satisfactory to the Director of the Planning Department in consultation with the Commission. This site is within the C-3-O Zoning District, and a 450-S/550-S Height and Bulk District.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

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E. REGULAR CALENDAR

- 6a. 2005.0267CV (T. FRYE: (415) 575-6822)
180 JONES STREET (181 TURK STREET) - southeast corner of Jones and Turk Streets, Assessor's Block 0343; Lot 014 - **Request for Conditional Use** approval to allow the construction of a building over 40-feet within a residential zoning district with reduced parking. The project is to construct an 8-story, mixed-use development on the existing surface parking lot. The project includes 37 residential units, ground floor retail commercial space, and a reduction in required off-street parking for a total of 8 off-street parking spaces. The Zoning Administrator will hear a related exposure variance and rear yard modification. The subject property is within the Uptown Tenderloin National Register District, the RC-4 (Residential-Commercial, High Density) District, the North of Market Special Use District, Subarea #1, and an 80/120-T Height and Bulk District.
Recommendation: Approve with Conditions
- 6b. 2005.0267CV (T. FRYE: (415) 575-6822)
180 JONES STREET (181 TURK STREET) - southeast corner of Jones and Turk Streets, Assessor's Block 0343; Lot 014 - **Request for Variance** for exposure and a rear yard modification. The subject property is within the Uptown Tenderloin National Register District, the RC-4 (Residential-Commercial, High Density) District, the North of Market Special Use District, Subarea #1, and an 80/120-T Height and Bulk District.
7. 2009.0061C (M. SMITH: (415) 558-6322)
1511 SLOAT BOULEVARD - south side between Everglade and Clearfield Drives, Lot 002 in Assessor's Block 7255 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 703.4 and 780.44 to establish a new formula retail small, self-service restaurant (d.b.a. "Nubi Yogurt") in the tenant space previously occupied by "T-Mobile" within the Lakeshore Plaza Shopping Center, located within a NCS (Neighborhood Commercial Shopping Center) District, the Lakeshore Plaza Special Use District, and a 26 - 40-X Height and Bulk District.
Preliminary Recommendation: Approve with Conditions
8. 2006.1703E (V. WISE: (415) 575-9049)
PIERS 15 & 17 – THE EXPLORATORIUM RELOCATION PROJECT - east side of The Embarcadero at Green Street; Lots 15, 15H, and 17 in Assessor's Block 9900 - **Public Hearing on the Draft Environmental Impact Report**. The Exploratorium proposes to relocate to Piers 15/17. The Project Site, owned by the Port of San Francisco (Port), is comprised of the 136,145-gross-square-foot (gsf) Pier 15, 110,615-gsf Pier 17, 11,773-

gsf Connector Building, a paved parking area ("Valley"), a 1,579-gsf office shack in the Valley, and a 235-gsf office addition on the Pier 17 north apron. Piers 15 and 17 are contributing resources to the San Francisco Embarcadero National Register Historic District. The Exploratorium proposes to lease from the Port Pier 15, Pier 17, replace the Connector Building with a New Bridge Building and remove portions of the Valley. The Exploratorium proposes to expand the museum program into Pier 17 in the future. Until then, the Exploratorium would lease Pier 17 to commercial, light industrial and restaurant or other retail users.

Preliminary Recommendation: No Action Required

Note: Written comments will be accepted at the Planning Department's offices until the close of business on March 16, 2009.

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Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting &

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, March 12, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAR - 6 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2006.1065DDDD (S. VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lot 005 (proposed to be lots 036 and 037) in Assessor's Block 1258 - **Requests for Discretionary Review** of Building Permit Application No. 2006.09.20.2886, proposing to demolish an existing garage and to construct a new four-story, three-unit building at 52 Alpine Terrace that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East (requiring a Variance, Item 2b) in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The existing three-car garage structure at 52 Alpine Terrace would be demolished.
Preliminary Recommendation: Do not take Discretionary Review and Approve
(Continued from Regular Meeting February 19, 2009)
(Proposed for Continuance to March 26, 2009)
- 1b. 2006.1065V (S. VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lot 005 (proposed to be lots 036 and 037) in Assessor's Block 1258 - **Request for a Parking Variance** for two required off-street parking spaces that would be provided on a separate lot than the dwelling units in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The project proposes to demolish an existing garage and to construct a new four-story, three-unit building that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East. The request will be heard by the Zoning Administrator.
(Continued from Regular Meeting of February 19, 2009)
(Proposed for Continuance to March 26, 2009)
2. 2008.1309D (G. CABREROS: (415) 558-6169)
2829 GREEN STREET - south side between Baker and Lyon Streets, Lot 021 in Assessor's Block 0956 - **Staff-initiated Discretionary Review** of Building Permit Application No. 2008.07.18.7090 proposing to infill a courtyard area at the level of the third floor of the single-family residence undergoing alteration. The alteration project with courtyard area was originally approved under Building Permit Application No. 2006.02.23.5308 in 2006. The subject building is within an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Disapprove.
(Proposed for Continuance to March 19, 2009)
- 3a. 2007.0129DDD (G. CABREROS: (415) 558-6169)
100 32ND AVENUE - southeast corner of 32nd Avenue and El Camino del Mar; Lot 008 in Assessor's Block 1312 - **Requests for Discretionary Review** of Building Permit Application No. 2007.01.19.2027 proposing to construct a three-story side horizontal

addition and to enlarge the existing partial fourth floor of the four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve.

(Continued from Regular Meeting of February 26, 2009)

(Proposed for Continuance to April 9, 2009)

- 3b. 2007.0129V (G. CABREROS: 415-558-6169)
100 32ND AVENUE - southeast corner of 32nd Avenue and El Camino del Mar; Lot 008 in Assessor's Block 1312 - **Request for Variances** from Planning Code Sections 133, 134 and 188 to modify a required side yard, the required rear yard and a noncomplying structure. The project proposes to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor of the four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.
(Continued from Regular Meeting of February 26, 2009)
(Proposed for Continuance to April 9, 2009)

B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

5. Director's Announcements
6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

7. 2009.0001Z (S. WERTHEIM: (415) 558-6612)
1-25 DIVISION STREET AND 45 RHODE ISLAND STREET - the northern half of the block between Division, Rhode Island, De Haro, and Alameda Streets, Lots 001 and 003 in Assessor's Block 3912 – **The Planning Commission will consider a Zoning Map Amendment pursuant to Planning Code Section 302 and 306.3 that would include: (1) rezoning Block 3912 / Lots 001 and 003 from PDR-1-D (PDR-1-Design) to UMU (Urban Mixed Use) on Planning Code Map Sheets ZN8.** The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors, and adopt findings, including environmental

findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Preliminary Recommendation: Disapprove

- 8a. 2008.1215CV (C. TEAGUE: (415) 575-9081)
827 GUERRERO STREET - east side between 20th Street and Liberty Street, Lot 076 in Assessor's Block 3608 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 209.2(a) and 303 for a 20-bed group housing facility in an RH-2 (Residential, House, Two-Family District) and a 40-X Height and Bulk District. The proposal is to convert the existing building—previously a residential care facility (dba Chateau Agape) into a group housing facility (dba The Alternative to Meds Center) with a maximum of 15 bedrooms and 20 beds and 1 off-street parking space. No changes are proposed for the existing building.
Preliminary Recommendation: Approval
(Continued from Regular Meeting of February 26, 2009)
- 8b. 2008.1215CV (C. TEAGUE: (415) 575-9081)
827 GUERRERO STREET - east side between 20th Street and Liberty Street, Lot 076 in Assessor's Block 3608 - **Request for a Parking Variance** pursuant to Planning Code Sections 151 and 305 to provide only 1 of the 5 required off-street parking spaces for a 20-bed group housing facility in an RH-2 (Residential, House, Two-Family District) and a 40-X Height and Bulk District. The proposal is to convert the existing building previously a residential care facility (dba Chateau Agape)—into a group housing facility (dba The Alternative to Meds Center) with a maximum of 15 bedrooms and 20 beds.
(Continued from Regular Meeting of February 26, 2009)
9. 2008.0862C (G. CABREROS: (415) 558-6169)
1622-1662 BROADWAY - north side between Van Ness Avenue and Franklin Street, Lots 010 and 011 in Assessor's Block 0570 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 253 and 303 to allow development of a building that exceeds 40 feet in height. The project proposes new construction of a seven-story, 34-unit residential building with 49 underground parking spaces on a property currently used as a parking lot within an RM-3 (Residential, Mixed, Medium Density) Zoning District and an 80-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of February 12, 2009)
NOTE: On February 12, 2009, following public testimony, the Commission continued the item to 3/12/09 with instructions to Project Sponsor to meet with neighbors and refine design by a vote of +6 -0. Commissioner Moore was absent. Public hearing remains open.
10. 2006.0070T (C. NIKITAS: (415) 558-6306)
IMPLEMENTATION OF LEGISLATION TO CONTROL THE LOSS OF DWELLING UNITS - Code Implementation Document - Proposed procedures and criteria to implement newly-adopted Code Section 317 requiring Planning Commission hearings for the removal of certain dwelling and live-work units. The document also sets numerical criteria, some of which are subject to administrative adjustment in response to changing economic conditions.
Preliminary Recommendation: Adoption
(Continued from Regular Meeting of February 12, 2009)
11. 2009.0021D (M. SMITH: (415) 558-6322)
4024 26TH STREET - between Noe and Sanchez Streets, Lot 006 in Assessor's Block 6553 - **Request for Discretionary Review** of Building Permit Application No. 2008.10.03.3318, proposing to construct a one-story vertical addition, a front horizontal

addition, alter the front façade, and enlarge the rear deck of a two-family dwelling, located in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve.
(Continued from Regular Meeting of March 5, 2009)

12. 2008.0388D (S. VELLVE: (415) 558-6263)
2608 POST STREET - north side between Lyon Street and Presidio Avenue; Lot 008 in Assessor's Block 1073 - **Request for Discretionary Review** of Building Permit Application No. 2006.05.31.2874 proposing to construct a new four-story building containing two dwelling units at the front of the subject lot, which currently contains a two-story structure with one dwelling unit at the rear of the lot, within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve

F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, March 19, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAR 18 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

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1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.0109W (K. GUY: (415) 558-6163)
1167 MARKET STREET (AKA TRINITY PLAZA) - bounded on the north by Market Street, on the west by 8th Street, and on the south by Mission Street; Lots 039 and 051 through 053 in Assessor's Block 3507, and a portion of the former Jessie Street between Seventh and Eighth Streets: **Request for approval of amendments to a development agreement between 1169 Market Street, L.P., a California limited partnership, and the City and County of San Francisco, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), governing the terms for the development of the previously-approved "Trinity Plaza" project (Case No. 2002.1179).** The requested approval would consist of amending the said development agreement Section 1.2.20 to clarify a definition, amending Section 1.4 to add five (5) years to the base Term of the development agreement, amending Section 3.3.2 regarding construction phasing for the project, amending Section 4.2 to provide a clarification to the definition of Existing Tenants, adding Sections 4.3.1 and 4.3.2 to restate and designate the Below Market Rate Unit requirement and locations for Building A, amending Sections 4.5.1, 4.5.2 and 4.5.4 to modify the location and selection process for the Replacement Units, and adding Section 6.12 to provide for the application of Planning Code Section 149 art requirements to Trinity Plaza, and adopting findings.
Preliminary Recommendation: Approval with Modifications.
(Proposed for Continuance to March 26, 2009)
2. 2006.1431E (D. DWYER: (415) 575-9031)
1960-1998 MARKET STREET - northeast corner at Buchanan Street; Lots 005, 006 and 007 of Assessor's Block 0872 - **Appeal of Preliminary Negative Declaration** for the proposed project consisting of the demolition of the existing a surface parking lot with approximately 20 carshare parking spaces; Union 76 gas station comprised of a 1,710-square-foot, one-story building, three islands with gas pumps sheltered by metal canopy approximately 15 feet in height, and two 12,000-gallon underground storage tanks (USTs); and two 12 ft x 25 ft general advertising signs. The proposed project also would construct a nine-story, 85-foot-tall mixed-use building totaling approximately 146,800 gross square feet in area, including ground floor parking with approximately 108 condominium units, 86 off-street parking spaces located on the ground floor and in two below-grade garage levels, and three ground-floor commercial spaces totaling 8,150 square feet. The 21,200-square-foot project site is located at the northeast corner of the intersection of Market, Duboce and Buchanan Streets in an NCT-3 (Neighborhood Commercial Transit) Zoning District and 85-X Height and Bulk District.
Preliminary Recommendation: Uphold Preliminary Negative Declaration
(Continued from Regular Meeting of February 26, 2009)
(Proposed for Continuance to March 26, 2009)

- 3a. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007 - **Request for Conditional Use Authorization** under Planning Code Sections 228 (Service Station Conversion), 731.11 (Development Lot Size) and 731.94 (Residential Off-street Parking) for the conversion of a service station and construction of a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking below for up to 91 off-street parking spaces. The project lies within an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area.
Preliminary Recommendation: Pending
(Proposed for Continuance to March 26, 2009)
- 3b. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007, located in an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area. **REAR YARD USABLE, OPEN SPACE AND EXPOSURE VARIANCES SOUGHT:** The proposal is to demolish the service station and construct a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces.
(Proposed for Continuance to March 26, 2009)
4. 2008.1014C (J. IONIN: (415) 558-6309)
652 STANYAN STREET - east side between Page and Haight Streets, Assessor's Block 1228, Lot 008 - **Request for Conditional Use Authorization** under Planning Code Section 209.6 (Public Facilities and Utilities) for AT&T Wireless to co-locate six antennas on the roof (concealed within RF transparent material) and associated equipment cabinets in the basement of the subject property. The project lies within an RM-2 (Residential, Mixed, Moderate Density) District and a 50-X Height and Bulk District.
Preliminary Recommendation: Pending
(Proposed for Continuance to April 23, 2009)
5. 2008.1076C (S. YOUNG: (415) 558-6346)
1699 HAIGHT STREET - southeast corner of Haight and Cole Streets; Lot 020 in Assessor's Block 1247 - **Request for Conditional Use Authorization** under Sections 719.26 and 303 of the Planning Code to legalize an existing automatic teller machine (ATM) walk-up facility, without providing a 3-foot recession from the front property line, located in the Haight Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. The existing walk-up facility is an accessory use to an existing liquor store (dba Haight & Cole Liquors).
Preliminary Recommendation: Pending
(Proposed for Continuance to June 4, 2009)
6. 2001.1056E (L. KIENKER: (415) 575-9036)
280 DIVISADERO STREET CARRIAGE HOUSE - east side of Divisadero Street between Page and Haight Streets; Lot 023 in Assessor's Block 1238 - **Certification of the Final Environmental Impact Report.** The proposed project would replace an existing approximately 1,340-square foot (sf) carriage house structure, part of Landmark No. 190, the Charles L. Hinkel House, for a single residential unit within the same building footprint as the existing structure and attached garage, at the northeast corner property lines of the 6,875-sf lot. The proposed structure would be two stories in height and include a deck over an attached garage. The proposed project would not modify the main three-story over garden-level residential structure. The project would require approval of a Variance for construction within the required setbacks and a Certificate of

Appropriateness pursuant to Article 10 for demolition and new construction. The project would have a significant impact on Landmark No. 190, constructed in 1885.

Preliminary Recommendation: Certify the Final EIR

Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on June 18, 2007. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission in writing prior to the hearing or during the Public Comment portion of the Commission calendar.

(Continued from Regular Meeting of February 26, 2009)

(Proposed for Indefinite Continuance)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

7. 2008.1296P (C. JAROSLAWSKY: (415) 558-6348)
JOHN MUIR DRIVE - southwest corner near Lake Merced; Lot 004 in Assessor's Block 7283 - **Request for Coastal Zone Permit** - pursuant to Planning Code Sections 330.1, to repair storm damage to the sidewalk, requiring immediate action to mitigate loss or damage to public safety and services. An Emergency Coastal Zone Permit was issued by the Planning Department on August 13, 2008 to repair the partially collapsing sidewalk. The site is located in a P Zone (Public) and OS (Open Space) District and Local Coastal Zone Permit Area.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of February 19, 2009)
- 8a. 2006.1460D (M. SMITH: (415) 558-6322)
268 MADISON STREET - west side between Silliman and Felton Streets; Lot 008 in Assessor's Block 5943 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of residential demolition, of Demolition Permit Application No. 2007.11.07.7568, proposing to demolish a one-story, single-family dwelling on a double width lot in a RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.
(Continued from Regular Meeting of February 19, 2009)
- 8b. 2008.1203D (M. SMITH: (415) 558-6322)
268 MADISON STREET - west side between Silliman and Felton Streets; Lot 008 in Assessor's Block 5943 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the replacement building in association with residential demolition, of Building Permit Application No. 2007.11.07.7585 (Northern Building), to construct a two-story over garage, single-family dwelling in a RH-1 (Residential, House, One -Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the new building permit.
(Continued from Regular Meeting of February 19, 2009)
- 8c. 2008.1382D (M. SMITH: (415) 558-6322)
268 MADISON STREET - west side between Silliman and Felton Streets; Lot 008 in Assessor's Block 5943 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the replacement building in association with residential

demolition, of Building Permit Application No. 2007.11.07.7587 (Southern Building), to construct a two-story over garage, single-family dwelling in a RH-1 (Residential, House, One -Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the new building permit.

(Continued from Regular Meeting of February 19, 2009)

C. COMMISSIONERS' QUESTIONS AND MATTERS

9. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

10. Director's Announcements

11. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

- 12a. 2007.1230ECV (E. OROPEZA: (415) 558-6381)
49 GRACE STREET - north side between Mission and Howard Streets; Lot 027 in Assessor's Block 3509 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 816.13, 317 and 303, to demolish the existing two-story single-family dwelling and to construct a new 5-story mixed-use building consisting of 2-dwelling units over 2-commercial floors, all within the SLR (Service/ Light Industrial/Residential, Mixed Use) District, The Western SOMA Special Use District, and a 50-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
- 12b. 2007.1230ECV (E. OROPEZA: (415) 558-6381)
49 GRACE STREET - north side between Mission and Howard Streets; Lot 027 in Assessor's Block 3509 - The **application for rear yard, open space, exposure and off-street parking Variances** pursuant to Planning Code Sections 134, 135, 140 and 151, will be considered by the Zoning Administrator, all within the SLR (Service/ Light Industrial/Residential, Mixed Use) District, The Western SOMA Special Use District, and a 50-X Height and Bulk District.
- 13a. 2007.1250T (J. SWITZKY: (415) 575-6815)
AMENDMENT TO PLANNING CODE SECTION 309.1 - **Resolution to approve an Ordinance to amend Section 309.1 of the Planning Code to allow the Commission**

to grant, as exceptions per Section 309.1, minor height measurement modifications that would otherwise be permitted under Section 304 for a qualifying Planned Unit Development for projects in Downtown Residential Districts.

Preliminary Recommendation: Approval

- 13b. 2007.1250XV (B. FU: (415) 558-6613)
333 HARRISON STREET (A.K.A. 105 HARRISON STREET) - bounded by Harrison Street to the north, Beale Street to the east, the Bay Bridge West Approach to the south, and the Fremont Access Ramp to the west; Lot 009 in Assessor's Block 3766 - **Request under Planning Code Sections 309.1 and 827 for Determinations of Compliance**, and exceptions to allow greater than one parking space for every two units, for open space, and for dwelling unit exposure. The subject property is located within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with a 65-X Height and Bulk designation. The project proposal is to construct a new seven-story, 65-foot building consisting of up to 308 dwelling units over a below-grade parking structure for up to 204 spaces. The development proposal also requires Variances for unit mix and open space, to be heard and considered by the Zoning Administrator at the same hearing. Preliminary Recommendation: Approval
- 13c. 2007.1250XV (B. FU: (415) 558-6613)
333 HARRISON STREET (A.K.A. 105 HARRISON STREET) - bounded by Harrison Street to the north, Beale Street to the east, the Bay Bridge West Approach to the south, and the Fremont Access Ramp to the west; Lot 009 in Assessor's Block 3766 - **Variance Requests to:** (1) allow reduction of the minimum percentage of two and three bedroom units per Planning Code Sections 207.6 and 827, and (2) allow reduction of the required open space per Planning Code Sections 135 and 827, for the proposed construction of a new seven-story, 65-foot building consisting of up to 308 dwelling units over a below-grade parking structure for up to 204 spaces within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with a 65-X Height and Bulk designation.

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

CORRECTION
SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, March 19, 2009

1:30 PM
Regular Meeting

03-16-09A10:38 RCVD
GOVERNMENT
DOCUMENTS DEPT

MAR 16 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

F. REGULAR CALENDAR

- 13b. 2007.1250XV (B. FU: (415) 558-6613)
333 Harrison Street (a.k.a. 105 Harrison Street) - bounded by Harrison Street to the north, Beale Street to the east, the Bay Bridge West Approach to the south, and the Fremont Access Ramp to the west; Lot 009 in Assessor's Block 3766 - **Request under Planning Code Sections 309.1, 825, and 827 for Determinations of Compliance**, and exceptions to allow greater than one parking space for every two units, for dwelling unit exposure, and for a height measurement modification. The subject property is located within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with a 65-X Height and Bulk designation. The project proposal is to construct a new seven-story, 65-

foot building consisting of up to 308 dwelling units over a below-grade parking structure for up to 204 spaces. The development proposal also requires Variances for unit mix and open space, to be heard and considered by the Zoning Administrator at the same hearing.

SAN FRANCISCO PLANNING COMMISSION

Notice of Special Hearing

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, March 26, 2009

10:00 AM

Special Hearing

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

A: SPECIAL CALENDAR

(B. WYCKO: (415) 575-9048)

INFORMATIONAL BRIEFING ON TRANSPORTATION ISSUES

Adjournment:

03-20-09P03:36 RCVD

GOVERNMENT
DOCUMENTS DEPT

MAR 20 2009

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SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

03-20-09P03:36 RCVD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, March 26, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAR 20 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupprvs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2006.1431E (D. DWYER: (415) 575-9031)
1960-1998 MARKET STREET - north side between Laguna and Buchanan; Lots 005, 006 and 007 of Assessor's Block 0872 - **Appeal of Preliminary Negative Declaration** for the proposed project consisting of the demolition of the existing a surface parking lot with approximately 20 carshare parking spaces; Union 76 gas station comprised of a 1,710-square-foot, one-story building, three islands with gas pumps sheltered by metal canopy approximately 15 feet in height, and two 12,000-gallon underground storage tanks (USTs); and two 12 ft x 25 ft general advertising signs. The proposed project also would construct a nine-story, 85-foot-tall mixed-use building totaling approximately 145,800 gross square feet in area, including ground floor parking with approximately 108 condominium units, 86 off-street parking spaces located on the ground floor and in two below-grade garage levels, and three ground-floor commercial spaces totaling 8,150 square feet. The 21,200-square-foot project site is located at the northeast corner of the intersection of Market, Duboce and Buchanan Streets in an NCT-3 (Neighborhood Commercial Transit) Zoning District and 85-X Height and Bulk District.
Preliminary Recommendation: Uphold Preliminary Negative Declaration
(Continued from Regular Meeting of March 19, 2009)
(Proposed for Continuance to April 16, 2009)
- 2a. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007 - **Consideration of Adoption of CEQA Findings and Request for Conditional Use Authorization** under Planning Code Sections 228 (Service Station Conversion), 731.11 (Development Lot Size) and 731.94 (Residential Off-street Parking) for the conversion of a service station and construction of a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking below for up to 91 off-street parking spaces. The project lies within an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of March 19, 2009)
(Proposed for Continuance to April 16, 2009)
- 2b. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007, located in an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area. **REAR YARD, USABLE AND EXPOSURE VARIANCES SOUGHT:** The proposal is to demolish the service station and construct a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces.
(Continued from Regular Meeting of March 19, 2009)

(Proposed for Continuance to April 16, 2009)

- 3a. 2007.1121XV (B. FU: (415) 558-6613)
430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Request under Planning Code Sections 309.1, 825, and 827 for determinations of compliance and exceptions for dwelling unit exposure.** The subject property is located within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation. The project proposal is to construct a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces. The project also requires a Variance for open space, to be heard and considered by the Zoning Administrator at the same hearing.
Preliminary Recommendation: Approval with Conditions
Proposed for Continuance to April 9, 2009)
- 3b. 2007.1121XV (B. FU: (415) 558-6613)
430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Variance request** to allow reduction of the required open space per Planning Code Sections 135 and 827, for the proposed construction of a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation.
Proposed for Continuance to April 9, 2009)

B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

5. Director's Announcements
6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

7. 2009.0198U (A. RODGERS: (415) 558-6395)
AMENDMENTS TO THE BUILDING CODE - Pilot Project Requiring Amended Certificates of Final Completion and Occupancy for Existing Buildings in the RTO and NCT zoned portions of the Market & Octavia Area Plan Within the Boundaries of District Five. Ordinance introduced by Supervisor Mirkarimi [BF 090227] amending the San Francisco Building Code by amending Section 109A to provide that in the RTO and NCT zoned portions of the Market & Octavia Area Plan within the boundaries of District Five, an Amended Certificate of Final Completion and Occupancy shall be issued for an existing building where a Certificate of Occupancy would be issued under the Code, and to require the Amended Certificate of Final Completion and Occupancy to include a reference to the date of the first certificate of occupancy and any subsequent certificates of occupancy that have been issued for the building; and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval with Modifications
8. (S. SANCHEZ: (415) 558-6326)
EXTENSION OF ENTITLEMENTS - Consideration of adoption of Commission policies on extension of entitlements for Office Development Annual Limit, Downtown Residential District and other projects (including: 100% affordable housing, buildings that meet or exceed LEED™ Gold or equivalent standards and those sponsored by a City agency).
Preliminary Recommendation: Adoption
9. 2006.0070T (C. NIKITAS: (415) 558-6306)
IMPLEMENTATION OF LEGISLATION TO CONTROL THE LOSS OF DWELLING UNITS - Code Implementation Document - Proposed procedures and criteria to implement newly-adopted Code Section 317 requiring Planning Commission hearings for the removal of certain dwelling and live-work units. The document also sets numerical criteria, some of which are subject to administrative adjustment in response to changing economic conditions.
Preliminary Recommendation: Adoption
(Continued from Regular Meeting of March 12, 2009)
10. (T. SULLIVAN: (415) 558-6257)
PLANNING CODE ARTICLES 10 AND 11 - Informational Presentation to discuss policy issues for preservation planning and to discuss Board of Supervisors File No. 08-1565, an Ordinance that would rescind Articles 10 (Preservation of Historical Architectural and Aesthetic Landmarks) and 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts) from the Planning Code in its entirety and adopt a new Article 10 and 11 to implement the provisions of the new San Francisco Charter Section 4.135 (Historic Preservation Commission).
11. 2008.1294K (K. GUY: (415) 558-6163)
BOEDDEKER PARK - northeast corner of Eddy and Jones Streets, Lots 006-009 and 017-019 of Assessor's Block 0332 - **Request to raise Absolute Cumulative Shadow Limit** on Boeddeker Park in order to allow the development of the proposed project at 168-186 Eddy Street (Case No. 2007.1342CK). Boeddeker Park is located within the P (Public) District, the North of Market Residential Special Use District (Subarea 1), and the OS (Open Space) Height and Bulk District.

- 12a. 2007.1342CKE (K. GUY: (415) 558-6163)
168-186 EDDY STREET - northeast corner at Taylor Street, Lots 010 and 011 of Assessor's Block 0331 - **Request for Conditional Use Authorization** of a Planned Unit Development, with specific modifications including but not limited to Planning Code regulations related to streetwall setbacks, bulk, height measurement, rear yard, dwelling unit exposure, parking, and loading. The proposal is to demolish an existing surface parking lot and construct a new 14-story, 130-foot tall mixed-use building containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking. The project site is located within the RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District (Subarea 1), the 80-130-T Height and Bulk District, and the Uptown Tenderloin National Register Historic District.
- 12b. 2007.1342CKE (K. GUY: (415) 558-6163)
168-186 EDDY STREET - northeast corner at Taylor Street, Lots 010 and 011 of Assessor's Block 0331 - **Review under Planning Code Section 295** regarding shadow impacts to a public park (Boeddeker Park). The proposal is to demolish an existing surface parking lot and construct a new 14-story, 130-foot tall mixed-use building containing approximately 153 affordable dwelling units, approximately 13,750 square feet of ground-floor commercial space, a supportive services office, rooftop and second floor open space, one loading space, and no off-street parking. The project site is located within the RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District (Subarea 1), the 80-130-T Height and Bulk District, and the Uptown Tenderloin National Register Historic District.
Preliminary Recommendation: Approval with Conditions
13. 2009.0109W (K. GUY: (415) 558-6163)
1167 MARKET STREET (AKA TRINITY PLAZA) - bounded on the north by Market Street, on the west by 8th Street, and on the south by Mission Street; Lots 039 and 051 through 053 in Assessor's Block 3507, and a portion of the former Jessie Street between Seventh and Eighth Streets: **Request for approval of amendments to a development agreement between 1169 Market Street, L.P., a California limited partnership, and the City and County of San Francisco, entered into on June 15, 2007, pursuant to Ordinance No. 92-07 adopted by the Board of Supervisors on April 17, 2007 (File No. 061217), governing the terms for the development of the previously-approved "Trinity Plaza" project (Case No. 2002.1179).** The requested approval would consist of amending the said development agreement Section 1.2.20 to clarify a definition, amending Section 1.4 to add five (5) years to the base Term of the development agreement, amending Section 3.3.2 regarding construction phasing for the project, amending Section 4.2 to provide a clarification to the definition of Existing Tenants, adding Sections 4.3.1 and 4.3.2 to restate and designate the Below Market Rate Unit requirement and locations for Building A, amending Sections 4.5.1, 4.5.2 and 4.5.4 to modify the location and selection process for the Replacement Units, and adding Section 6.12 to provide for the application of Planning Code Section 149 art requirements to Trinity Plaza, and adopting findings.
Preliminary Recommendation: Approval with Modifications.
(Continued from Regular Meeting of March 19, 2009)
14. 2008.1161C (A. PUTRA: (415) 575-9079)
99 WEST PORTAL AVENUE - northeast corner of West Portal Avenue and Vicente Street, Assessor's Block 2979A; Lot 021A - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 729.51, and 303 to allow a ground floor medical service use (dba "Dean L. Duncan, DDS") in the West Portal Neighborhood Commercial District, and 26-X Height and Bulk District.
Preliminary Recommendation: Disapproval

15. 2008.0940C (M. WOODS: (415) 558-6315)
2250 VALLEJO STREET - north side between Fillmore and Webster Streets; Lot 009, in Assessor's Block 0557 - **Request for Conditional Use Authorization** pursuant to Sections 303(c) and 317 of the Planning Code to allow the merger of eleven dwelling units into two dwelling units in a three-story over basement residential building, within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions, including Modifications to Retain More than Two Dwelling Units
(Continued from Regular Meeting of March 5, 2009)

6:00 P.M.

16. 2008.1309D (G. CABREROS: (415) 558-6169)
2829 GREEN STREET - south side between Baker and Lyon Streets, Lot 021 in Assessor's Block 0956 - **Staff-initiated Discretionary Review** of Building Permit Application No. 2008.07.18.7090 proposing to infill a courtyard area at the level of the third floor of the single-family residence undergoing alteration. The alteration project with courtyard area was originally approved under Building Permit Application No. 2006.02.23.5308 in 2006. The subject building is within an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Disapprove.
(Continued from Regular Meeting of March 12, 2009)
- 17a. 2006.1065DDDD (S. VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lots 036 and 037 (formerly Lot 005) in Assessor's Block 1258 - **Requests for Discretionary Review** of Building Permit Application No. 2006.09.20.2886, proposing to demolish an existing garage and to construct a new four-story, three-unit building at 52 Alpine Terrace that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East (requiring a Variance, Item 2b) in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The existing three-car garage structure at 52 Alpine Terrace would be demolished.
Preliminary Recommendation: Do not take Discretionary Review and Approve
(Continued from Regular Meeting March 12, 2009)
- 17b. 2006.1065V (S. VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lots 036 and 037 (formerly Lot 005) in Assessor's Block 1258 - **Request for a Parking Variance** for two required off-street parking spaces that would be provided on a separate lot than the dwelling units in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The project proposes to demolish an existing garage and to construct a new four-story, three-unit building that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East. The request will be heard by the Zoning Administrator.
(Continued from Regular Meeting of March 12, 2009)

F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been

reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

**SAN FRANCISCO
PLANNING COMMISSION
&
HISTORIC PRESERVATION
COMMISSION or COMMITTEE
Notice of Joint Hearing**

03-31-09A10:54 RCVD

**Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, April 2, 2009
10:00 AM
Joint Hearing**

GOVERNMENT
DOCUMENTS DEPT

MAR 31 2009

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PUBLIC LIBRARY

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary

Review may be appealed to the Board of Appeals within 15 days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sott@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine..

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

10:00 A.M. _____

ROLL CALL:

PLANNING COMMISSION: President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee;
Kathrin Moore; Hisashi Sugaya

**HISTORIC PRESERVATION
COMMISSION:** President: Charles Chase
Vice-President: Courtney Damkroger
Commissioners: Karl Hasz; Alan Martinez

A. SPECIAL CALENDAR

(T. SULLIVAN: (415) 558-6257)

PLANNING CODE ARTICLES 10 AND 11 - Informational Presentation to discuss policy issues for preservation planning and the rewriting of Articles 10 (Preservation of Historical Architectural and Aesthetic Landmarks) and Article 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts), and to discuss Board of Supervisors File No. 08-1565, an Ordinance that would rescind Articles 10 and 11 from the Planning Code in its entirety and adopt a new Article 10 and 11 to implement the provisions of the new San Francisco Charter Section 4.135 (Historic Preservation Commission).

Adjournment:



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission & Historic Preservation Commission INFORMATIONAL JOINT HEARING DATE: APRIL 2, 2009

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: March 26, 2009

Project Name: Rewrite of Articles 10 & 11 of the Planning Code
Case Number: 2008.1393T [Board File No. 08-1565]
Initiated by: Former Supervisor Peskin, Supervisor Daly /
Introduced January 6, 2009

Staff Contact: Tara Sullivan, Legislative Affairs
tara.sullivan@sfgov.org, 415-558-6257

Reviewed by: John Rahaim, Director, Planning Department
john.rahaim@sfgov.org, 415-558-6411

90-day Deadline: April 14, 2009

Dear Commissioners,

Attached for your review and comment is Board File No. 08-1565 with the Department's DRAFT proposed modifications incorporated for Article 10. Please note the following:

1. Language that is in single-underline italics Times New Roman has been proposed in the original BOS 08-1565;
2. Language that is double underlined Arial is Planning Department additions to BOS 08-1565
3. Language that is ~~strike through Arial~~ is Planning Department deletions to BOS 08-1565

With regard to the Department's proposed modifications to BOS File No. 08-1565, below are Code sections that the Department is requesting specific comments on:

1. Section 1002.2: Powers and Duties of the Historic Preservation Commission (pgs. 9 – 14)
2. Section 1003: Planning Department, Historic Preservation Officer (pgs. 15 – 16)
3. Section 1007: Certificates of Appropriateness:
 - a. Section 1007.1(b)(1): Major Alteration (pgs. 46 – 47);
 - b. Section 1007.1(b)(2): Minor Alteration (pgs. 47 – 49);

- c. Section 1007.4 : Administrative Certificate of Appropriateness (pgs. 56 – 57);
- d. Section 1007.5: Standards for Review of Applications (pgs. 57 – 62)
- 4. Section 1008: Planning Commission Right to Modify a Certificate of Appropriateness
 - a. Section 1008.1: Projects Requiring Multiple Approvals (pgs. 63 – 64)
 - b. Section 1008.2: Planning Commission Review of Discretionary Review Applications (pgs. 64 – 65)
 - c. Section 1008.3: Zoning Administrator's Review of Variance Applications (pg. 65)
- 5. Section 1011: Compliance with Maintenance Requirements (pgs. 70 – 72)
- 6. Section 1015: Comprehensive Survey of Historic Resources (pgs. 76 – 78)

The Planning Department has recommended modifications to all of the above sections and will discuss the proposed modifications and reasoning at the joint hearing. Further, there will be an Executive Summary analyzing the proposed legislation and all modifications proposed by the Department for the Historic Preservation Commission hearing on April 8th and the Planning Commission hearing on April 9th, where both Commissions will take final recommendation action on BOS File No. 08-1565.

If there are any questions regarding these materials, or if a Commissioner needs another hard copy of any document, please don't hesitate to contact me.

Attachments:

- A: DRAFT BOS File No. 08-1565 with Department modifications
- B: Proposition J: Charter Amendment to Sections 4.105 and 4.135
- C: Existing Article 10
- D: Existing Article 11

[Adopting a new Planning Code Article 10 and Article 11 and adding new Planning Code Section 176(f).]

Ordinance rescinding Planning Code Article 10 in its entirety, rescinding Planning Code Article 11 in its entirety, and adopting a new Article 10 and Article 11 to implement the provisions of new San Francisco Charter Section 4.135; and adding new Planning Code Section 176(f).

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike-through italics Times New Roman~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

This Board of Supervisors finds that this Ordinance is necessary to implement the provisions of Section 4.135 of the Charter creating a Historic Preservation Commission and is consistent with the General Plan and Priority Policies of Section 101.1(b) of the Planning Code for the reasons set forth in the Planning Commission Resolution No. _____ and incorporates said Resolution herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____. Pursuant to Planning Code Section 302, this Board of Supervisors finds that this Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. _____ and incorporates said Resolution herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

Section 2. The San Francisco Planning Code is hereby amended by rescinding Article 10 in its entirety.

Section 3. The San Francisco Planning Code is hereby amended to add new
Article 10, to read as follows:

ARTICLE 10 - HISTORIC PRESERVATION
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17 SEC. 1001.1. Findings.

18 It is hereby found that:

19 (a) Historic resources are important to the City's aesthetic and visual character;

20 (b) Historic buildings make up a major part of the City's existing housing stock,
21 including some of the most affordable housing in the City and preserving historic resources is
22 therefore important to maintaining and protecting against the loss of affordable housing;

23 (c) Maintaining the City's historic resources is critical to preserving and protecting
24 neighborhood character;

25 (d) Preserving and maintaining historic buildings and neighborhoods instead of
demolishing them reduces consumption of scarce resources and is an important part of the City's
efforts to promote sustainable development and combat climate change;

1 (e) Following the 100-year anniversary of 1906 Earthquake and Fire, it is important to
2 celebrate and preserve the significant physical reminders of this event of unique historic
3 significance to San Francisco;

4 (f) Preservation of San Francisco's historic resources enhances the City's economic,
5 cultural and aesthetic standing, and its identity, livability, marketability and urban character;

6 (g) Well-preserved and retained historic resources are essential to maintain and
7 revitalize the City and stimulate economic activity;

8 (h) The preservation and continued use of historic resources are effective tools to
9 sustain and revitalize neighborhoods and business districts within the City, and to promote tourist
10 trade and interest;

11 (i) A number of historic resources in the City have been and continue to be
12 unnecessarily destroyed or impaired, despite the feasibility and desirability of preserving them;

13 (j) Historic structures, sites and other resources are irreplaceable and must be
14 protected from deterioration, inappropriate alterations, demolition and damage; and

15 (k) The prevention of such needless destruction and impairment is essential to the
16 health, safety and welfare of the general public.

17 SEC. 1001.2. Purposes.

18 It is hereby declared that the purpose of this Article is to promote the health, safety and
19 welfare of the general public by establishing procedures and providing regulations necessary to:

20 _____
21 (a) Recognize that historic resources are important to the City's aesthetic and
22 visual character;

23 (b) Enhance, perpetuate, and preserve architecturally and historically significant
24 structures and sites;

- 1 (c) Celebrate and preserve the significant reminders of the 1906 Earthquake
2 and Fire;
- 3 (d) Foster civic pride in the accomplishments of the past by promoting private
4 stewardship of historic resources that represent these accomplishments;
- 5 (e) Promote the identification, documentation, and evaluation of the significance
6 of individual historic resources and districts;
- 7 (f) Fulfill the City's responsibilities:
- 8 (1) As a Certified Local Government under Federal preservation laws;
9 and
- 10 (2) For Federal Section 106 review and for the California Environmental
11 Quality Act regarding historic resources;
- 12 (g) Recognize the City's historic resources as economic assets, including
13 commercial, industrial, and residential buildings;
- 14 (h) Promote public awareness of the value of rehabilitation, restoration, and
15 maintenance of the existing building stock as a means to conserve reusable material and
16 energy resources;
- 17 (i) Encourage and promote the adaptive reuse of the City's historic resources
18 and promote the revitalization of historic neighborhoods and commercial areas;
- 19 (k) Stabilize and improve property values, and enhance the aesthetic and visual
20 character and environmental amenities of the City's historic properties and areas;
- 21 (l) Promote the City as a destination for tourists and as a desirable location for
22 business; and
- 23 (m) Implement the historic preservation goals, policies, and programs of the
24 General Plan and the eight General Plan priority policies set forth in Section 101.1 of the
25 Planning Code, in balance with the overall goals of the General Plan;

1 SEC. 1001.3. Definitions. For the purposes of this Code, certain words and
2 terms used herein are defined as set forth in this and the following sections. Additional
3 definitions may be applicable and are located in Article 1, General Zoning Provisions, set
4 forth in Section 102. All words used in the present tense shall include the future. All
5 words in the plural number shall include the singular number and all words in the singular
6 number shall include the plural number, unless the natural construction of the wording
7 indicates otherwise. The word "shall" is mandatory and not directory. Whenever any of the
8 following terms is used it shall mean the corresponding officer, department, board or
9 commission of the City and County of San Francisco, State of California, herein referred to
10 as the City: Assessor, Board of Supervisors, Planning Department, Department of Public
11 Works, Planning Director, Historic Preservation Commission, Planning Commission,
12 Zoning Administrator. In each case, the term shall be deemed to include an employee of
13 any such officer or department of the City who is lawfully authorized to perform any duty or
14 exercise any power as a representative or agent of that officer or department.

15 SEC. 1002. HISTORIC PRESERVATION COMMISSION.

16 SEC. 1002.1. Composition and Qualifications.

17 In accordance with Section 4.135 of the Charter:

18 (a) The Historic Preservation Commission shall consist of seven members nominated by
19 the Mayor and subject to approval by a majority of the Board of Supervisors. The term and tenure
20 of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of
21 the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of
22 the original appointments to the Historic Preservation Commission, four shall be for a four-year
23 term and three for a two-year term as follows: the odd-numbered seats shall be for four-year terms
24 and the even-numbered seats shall be for two-year terms. After the expiration of the original terms,
25 all appointments shall be for four-year terms, provided however, that a member may holdover until

a successor has been nominated by the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of terms a member may serve.

Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a qualified person to fill the vacant seat for the term, or the remainder of the term, subject to approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

Members may be removed by the appointing officer only pursuant to Section 15.105 of the Charter.

(b) In addition to the specific requirements set forth below, all members of the Historic Preservation Commission shall be persons specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City.

(1) Six of the members of the Historic Preservation Commission shall be specifically qualified in the following fields:

(i) Seats 1 and 2: licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;

(ii) Seat 3: an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;

1 (iii) Seat 4: an historian meeting the Secretary of the Interior's Professional
2 Qualifications Standards for history with specialized training and/or demonstrable experience in
3 North American or Bay Area history;

4 (iv) Seat 5: an historic preservation professional or professional in a field such as law,
5 land use, community planning or urban design with specialized training and/or demonstrable
6 experience in historic preservation or historic preservation planning.

7 (v) Seat 6 shall be specially qualified in one of the following fields or in one of the fields
8 set forth for Seats 1, 2, or 3:

9 (A) A professional archeologist meeting the Secretary of the Interior's Professional
10 Qualification Standards for Archeology;

11 (B) A real estate professional or contractor who has demonstrated a special interest,
12 competence, experience, and knowledge in historic preservation;

13 (C) A licensed structural engineer with at least four years of experience in seismic and
14 structural engineering principals applied to historic structures; or

15 (D) A person with training and professional experience with materials conservation.

16 (2) Seat 7 shall be an at large seat subject to the specified minimum qualifications for
17 all members of the Historic Preservation Commission set forth in subsection (b) above.

18 SEC. 1002.2. Powers and Duties.

19 The Historic Preservation Commission, created by Section 4.135 of the Charter, shall have and
20 exercise the powers and shall perform the duties set forth in this Section as more fully set forth in
21 this Article 10 and Planning Code Article 11 to preserve the City's historic resources. The Historic
22 Preservation Commission shall:

23 (a) Prepare, recommend, adopt, periodically revise, administer and implement a
24 comprehensive historic preservation program for the City;

1 **(b) Recommend approval, disapproval, or modification of landmark designations and**
2 **historic district designations to the Board of Supervisors under this Article;**

3 **(c) Approve, disapprove or modify certificates of appropriateness for work to landmarks**
4 **and all work within historic districts, provided that the Historic Preservation Commission may**
5 **delegate to the Historic Preservation Officer certain activities as set forth in this Article 10;**

6 **(d) Recommend approval, disapproval, or modification of Significant and Contributory**
7 **building designations and Conservation District designations to the Board of Supervisors as**
8 **provided by Article 11 of this Code;**

9 **(e) Determine if a proposed alteration to a Significant or Contributory building or to a**
10 **building in any Conservation District is a Major or Minor Alteration under Article 11 of this Code;**

11 **(f) Approve, disapprove or modify applications for permits to alter or demolish**
12 **Significant and Contributory buildings or buildings in any Conservation Districts under Article 11**
13 **of this Code, provided that the Historic Preservation Commission may delegate to the Historic**
14 **Preservation Officer certain activities as may be set forth in Article 11;**

15 **(g) Recommend to the Planning Commission a Preservation Element of the General**
16 **Plan, and periodically recommend to the Planning Commission such amendments, revisions or**
17 **additions to the Preservation Element that it deems necessary or appropriate to carrying out the**
18 **purposes of this Article;**

19 **(h) Provide comments and recommendations to the Planning Commission on other**
20 **objectives, policies, and provisions of the General Plan and special area, neighborhood, and other**
21 **plans designed to carry out the General Plan, and proposed amendments thereto, which are not**
22 **contained within the Preservation Element but concern historic preservation, and recommend to the**
23 **Planning Commission from time to time such amendments, revisions or additions to the General**
24 **Plan that it deems necessary or appropriate to carrying out the purposes of this Article. The**
25 **Planning Commission shall be required to refer these matters to the Historic Preservation**

Commission for comment and recommendations prior to action by the Planning Commission, which comments and recommendations shall be forwarded to the Board of Supervisors and included in its file on the matter;

(i) Provide written reports to the Board of Supervisors, and to the Planning Commission if the Planning Commission is required to take any action on the matter, regarding the effects on historic or cultural resources of the following matters, which shall be required to be referred to the Historic Preservation Commission for its written report prior to any action by the Board of Supervisors or Planning Commission: (1) ordinances and resolutions concerning historic preservation issues and historic resources; (2) redevelopment project plans; and (3) waterfront land use and project plans;

(j) Recommend to the Planning Commission and Board of Supervisors from time to time such amendments, revisions or additions to Articles 10 and 11 of this Code and to other articles and provisions of the Municipal Code to further the goals of historic preservation when necessary;

(k) Review and comment on environmental review documents prepared by or on behalf of the City pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) for proposed projects that may have an effect on historic or cultural resources, including without limitation, those documents pertaining to (1) the identification of historic resources to which CEQA and NEPA may apply, (2) historic resource reports and surveys prepared in connection with environmental review of projects, (3) the potential impacts of a project upon historic resources, (4) the appropriate level of environmental review to be conducted, and (5) project alternatives or mitigation measures to be considered; and may take testimony on environmental documents, determinations and issues at public hearings held by the Historic Preservation

Commission on certificates of appropriateness under this Article and permit review under Article 11;

(l) Act as the City's local preservation review commission for the purposes of the Certified Local Government Program pursuant to the National Historic Preservation Act (NHPA) and carry out the following duties for the City including, without limitation: (1) recommend properties for inclusion in the National Register of Historic Places and review and comment on all National Register nominations; (2) review and comment on federal undertakings and other projects where authorized under the NHPA; (3) review and comment on historic preservation certification applications for federal tax incentives; (4) review and comment on agreements proposed under Section 106 of the NHPA where the City is a signatory prior to any City approval action on such agreement; and (5) prepare the annual report of the activities of the City's Historic Preservation Commission;

(m) Oversee and direct the survey and inventory of historic resources in the City, and to publicize and periodically update survey results;

(n) Review and adopt historic context statements for the City's historic resources to be used for establishing priorities for surveys of the City's historic resources, for evaluating proposed landmarks and historic districts, and to aid in evaluating environmental impacts to historic resources from proposed projects;

(o) Establish and maintain the San Francisco Register of Historic Places pursuant to Section 1004 of this Article;

(p) Establish and maintain the San Francisco Inventory of Historic Resources pursuant to Section 1015 of this Article;

(q) Develop and implement a program of incentives for preservation of historic resources, including, but not by limitation, those incentives set forth in Section 1017 of this Article;

1 (r) Recommend approval, disapproval, or modification of historical property contracts
2 under the Mills Act property-tax relief program (California Government Code Section 50280 et
3 seq.) to the Board of Supervisors, without referral to or recommendation of the Planning
4 Commission, and develop and implement criteria for selecting eligible properties;

5 (s) Develop and implement procedures for rendering advice and guidance to
6 project sponsors and property owners on appropriate restoration, rehabilitation,
7 landscaping, repair and maintenance of historic resources, and on the availability of the
8 State Historic Building Code and other historic preservation incentives, and maintain an
9 Architectural Review Committee of the Historic Preservation Commission to review
10 projects and provide such advice and guidance to project sponsors and owners as early as
11 possible in project design; Develop design guidelines for the preservation, alteration,
12 construction, demolition, or relocation of historic resources, provide guidance about the
13 State Historic Building Code and other preservation incentives, and provide guidance to
14 the public;.

15 (t) Develop design guidelines for the preservation, alteration, construction,
16 demolition or relocation of historic resources, including new construction, located within
17 historic districts, Conservation Districts, National Register Districts, areas identified by
18 surveys as eligible historic districts, residential character districts or any other identified
19 areas of the City containing historic resources;

20 (u) Establish and recommend to the Board of Supervisors such additional
21 controls and standards, as it may deem necessary or desirable to protect and maintain the
22 integrity of historic districts, including, without limitation, setback, height and bulk controls
23 for proposed additions and new construction within the boundaries of historic districts and
24 Conservation Districts;

1 — (v) — Engage outside experts for technical advice when such expertise is
2 unavailable from members of the Historic Preservation Commission or Planning
3 Department staff and, in order to cover the City's cost to obtain this technical expertise,
4 require project sponsors to provide the required funds that may be necessary to review the
5 project application;

6 — (t w) Review projects to alter or demolish buildings listed individually or included in a
7 district listed on the National Register of Historic Places or the California Register of Historic
8 Places;

9 — (u x) Assign, at its discretion, duties for the administration of this Article to the
10 Planning Department or Historic Preservation Officer; and

11 — (v y) To the extent that any of the powers given to the Historic Preservation Commission
12 by the Charter or this Article may conflict with any plan or policy of the City or other provisions
13 of the Municipal Code, the powers given to the Historic Preservation Commission shall govern
14 and control as to all matters affecting historic resources.

15 — SEC. 1002.3. Policies, Rules and Procedures.

16 — The Historic Preservation Commission shall:

17 — (a) Elect a President, Vice President and such other Officers, as it may deem
18 appropriate from among its members; annually during the first quarter of the calendar year;

19 — (b) Establish such committees and maintain such policies, rules and procedures,
20 consistent with Section 4.135 of the Charter, this Article and with Article 11 of this Code, as it
21 deems necessary and appropriate to administer its powers and duties; and

22 — (c) Maintain written minutes and records of all meetings, including attendance,
23 resolutions, motions, findings, determinations and decisions made pursuant to Article 10 and
24 Article 11 of this Code, which shall be public records and shall be available to the public on the
25 Planning Department's web site.

1 SEC. 1003. PLANNING DEPARTMENT.

2 SEC. 1003.1. Planning Department Head and Staff.

3 *The Director of the Planning Department shall assume the powers and duties that would*
4 *otherwise be executed by a Historic Preservation Commission department head. The Planning*
5 *Department shall provide professionally trained preservation staff to assist the Historic*
6 *Preservation Commission in carrying out its duties and responsibilities. The Director shall*
7 *designate the Historic Preservation Officer and the Historic Preservation Commission*
8 *Secretary, consistent with the rules and regulations of civil service in the CCSF.*

9 SEC. 1003.2. Budget and Fees.

10 *The Historic Preservation Commission shall have the authority to review and make*
11 *recommendations on the Planning Department budget and on any rates, fees, and similar charges*
12 *with respect to appropriate items coming within the Historic Preservation Commission's*
13 *jurisdiction to the Director of the Planning Department or the Planning Commission.*

14 SEC. 1003.3. Historic Preservation Officer.

15 The Planning Director shall ensure that there is a professionally trained staff to work
16 on historic preservation issues and to assist the HPC. The Director shall designate the
17 Historic Preservation Officer consistent with the procedure outlined in Section 1003.3.
18 (a) —The duties of the Planning Department to provide professionally trained
19 preservation staff assistance to the Historic Preservation Commission shall be
20 administered by a Historic Preservation Officer who shall report directly to the Director of
21 the Planning Department.

22 (a b) The Historic Preservation Officer shall be chosen by the Director of Planning
23 selected on the basis of administrative and technical qualifications with specific regard for
24 professional experience, academic training, and knowledge in historic preservation planning,
25 preservation architecture and/or architectural history, meeting, at a minimum, the Secretary of the

Interior's Professional Qualification Standards, including the June 20, 1997, Proposed Renaming and Revisions to "The Secretary of the Interior's Professional Qualification Standards," and/or land use and community planning, and shall in addition have experience in the field in a supervisory position.

(c) The Historic Preservation Officer shall be chosen by the Director of the Planning Department from a list of three (3) qualified candidates submitted to the Director by the Historic Preservation Commission. The Historic Preservation Commission may solicit candidates from outside of the Planning Department, consistent with the City's hiring requirements and procedures.

SEC. 1003.4. Powers and Duties of the Historic Preservation Officer.

The Historic Preservation Officer shall perform the duties set forth in this Section and elsewhere in this Article:

(a) Oversee the preservation planning staff, and any interns, consultants or volunteers affiliated with the City's historic preservation program;

(b) Review and/or prepare designation case reports, make preliminary determinations of eligibility, and make recommendations to the Historic Preservation Commission regarding nominations of landmarks, historic districts and contributing resources under this Article, and regarding nominations of Significant and Contributory buildings and Conservation Districts under Article 11 of this Code;

(c) Provide as early as possible to project applicants and property owners (i) preliminary review of proposed projects that may affect historic resources, (ii) advice and guidance on appropriate restoration, rehabilitation, alteration, landscaping, repair and maintenance of historic resources, and (iii) information on the availability of the State Historic Building Code and other historic preservation incentives; and schedule proposed projects for review by the Historic

Preservation Commission's Architectural Review Committee as may be necessary and appropriate;

(d) Review and evaluate permit applications to determine whether an application for a Certificate of Appropriateness is required under the provisions of this Article;

(e) Review and evaluate Certificate of Appropriateness applications for compliance with this Article and prepare written evaluations and recommendations to the Historic Preservation Commission as required under the provisions of this Article;

(f) Review and evaluate permit applications under Article 11 of this Code to determine whether a proposed alteration to a Significant or Contributory building, or to a building in any Conservation District is a Major or Minor Alteration and prepare written evaluations and recommendations to the Historic Preservation Commission;

(g) Review and evaluate applications for permits to alter, or demolish, Significant and Contributory buildings or buildings in any Conservation Districts under Article 11 of this Code and prepare written evaluations and recommendations to the Historic Preservation Commission;

(h) Oversee and manage the City's ongoing comprehensive survey of the historic resources;

(i) Insure that the San Francisco Register of Historic Resources is maintained and updated pursuant to Section 1004 of this Article and that the San Francisco Inventory of Historic Resources is maintained and updated pursuant to Section 1016 of this Article, and make available to the public and to all City departments for use in reviewing project applications and activities;

(j) Review and make recommendations to the Historic Preservation Commission on the Preservation Element of the General Plan, and on other proposed objectives, policies and provisions of the General Plan, special area and neighborhood plans, redevelopment plans, waterfront land use plans, project plans, and other plans, ordinances and resolutions, policies, issues and activities that may affect historic resources;

1 (k) Represent the Historic Preservation Commission in communications of its testimony,
2 comments, recommendations and policies to officials, departments, agencies, boards and
3 commissions of the City, state and federal governments;

4 (l) Periodically review the effectiveness and workability of the provisions of Articles 10
5 and 11 of this Code and make recommendations to the Historic Preservation Commission as to any
6 refinements or changes that may be appropriate to improve such provisions and compliance
7 therewith;

8 (m) Assist the Historic Preservation Commission in carrying out the City's duties and
9 responsibilities as a Certified Local Government;

10 (n) Monitor and oversee compliance with the provisions and conditions of all
11 Certificates of Appropriateness and provisions of this Article, review all work performed
12 under a Certificates of Appropriateness, and to promptly report any violations to the
13 Historic Preservation Commission and to the Director of Planning, Director of Building
14 Inspection and other appropriate City officials, commissions, boards, departments or
15 agencies; and recommend and prepare appeals that may be filed by the Historic
16 Preservation Commission to any appropriate City officials, commissions, boards,
17 departments or agencies, and represent the Historic Preservation Commission at hearings
18 on such appeals Work with the Zoning Administrator to monitor and oversee compliance
19 with the provisions of Articles 10 and 11 consistent with the provisions outlined in Article
20 1.7 of this Code, and to promptly report any violations to the Historic Preservation
21 Commission and to the Director of Planning, Director of Department of Building Inspection,
22 and other appropriate City officials.; and

23 (o) To perform any other duties assigned to the Historic Preservation Officer by the
24 Historic Preservation Commission or as otherwise provided for in this Article 10 or Article 11.

25 SEC. 1004. SAN FRANCISCO REGISTER OF HISTORIC RESOURCES

1 The San Francisco Register of Historic Resources (hereinafter "The San Francisco
2 Register") shall be the official list of buildings, structures, objects, sites, and districts worthy
3 of preservation because of their significance to San Francisco's history, architecture,
4 archaeology, engineering, or culture. The San Francisco Register shall consist of the
5 following:

6 (a) ~~The ordinances designating landmarks, historic districts and contributing resources~~
7 ~~within historic districts under this Article, and the ordinances designating Significant and~~
8 ~~Contributory buildings and Conservation Districts under Article 11 of this Code shall be~~
9 ~~known, collectively, as the San Francisco Register of Historic Resources (hereinafter~~
10 ~~referred to as the "San Francisco Register")~~ Individual landmarks and individual historic
11 districts designated pursuant to Article 10 of this Code, all buildings that are rated
12 Significant and Contributory (Categories I, II, III, and IV) and individual conservation
13 districts designated pursuant to Article 11 of this Code. Buildings that have been identified
14 as non-contributing or vacant sites are not included in the San Francisco Register.

15 (b) Pursuant to the criteria and procedures set forth in this Section, the Board of
16 Supervisors may, by ordinance, designate landmarks, historic districts and contributing resources,
17 and significant interiors.

18 (c) Pursuant to the criteria and procedures set forth in Article 11 of this Code, the
19 Board of Supervisors may, by ordinance, designate Significant and Contributory buildings and
20 Conservation Districts.

21 (d) The San Francisco Register, as it is amended from time to time, shall be published in
22 the Planning Code as appendices to Article 10 and 11, and shall be incorporated into the records
23 and electronic database of the Planning Department and the Building Department.

1 (e) The original San Francisco Register and all subsequent amendments, inclusions, or
2 deletions thereto shall be on file with the Clerk of the Board of Supervisors and the Historic
3 Preservation Officer.

4 (f) The Clerk of the Board of Supervisors shall deliver a copy of the San Francisco
5 Register, and all subsequent amendments, inclusions, or deletions thereto, to the City Attorney, the
6 Planning Director the Central Permit Bureau, the Director of the Department of Building
7 Inspection, the Environmental Review Officer, the Zoning Administrator, the Director of the
8 Redevelopment Agency, the Director of the Port of San Francisco, the Director of the Department
9 of Real Estate for inclusion in the City's Geographic Information Systems (GIS), and the Manager
10 of the San Francisco Main Library History Room. All City agencies and departments shall be
11 charged with notice of the San Francisco Register whether or not the Clerk delivers a copy to them.

12 (g) The Historic Preservation Officer shall insure that the San Francisco Register is
13 maintained and updated by the Clerk of the Board of Supervisors, and that, upon each subsequent
14 amendment, inclusion or deletion: (i) the Planning Code is promptly updated; (ii) the change is
15 incorporated into the records and electronic database of the Planning and Building Departments;
16 (iii) the Clerk of the Board of Supervisors has delivered a copy of the amendment, inclusions or
17 deletions to all of the City officials and departments listed in subsection 1004(f), above; and (iv)
18 notices of all listings on the San Francisco Register are properly and promptly recorded in the
19 official property records of the City. The Historic Preservation Officer shall make the San
20 Francisco Register available to the public and for use by all City agencies and departments in
21 reviewing project applications and activities by publishing the San Francisco Register on the
22 Planning Department's web site and maintaining a copy in the Planning Department.

23 (h) All individual landmarks and individual historic districts designated pursuant
24 to Article 10 of this Code, all buildings that are rated Significant and Contributory and
25 individual conservation districts designated pursuant to Article 11 landmarks, historic

districts, ~~Significant and Contributory buildings and Conservation Districts designated as of the date of enactment of this Article, including all designating ordinances and case reports, are hereby included on the San Francisco Register and shall be subject to the restrictions and conditions applicable to such designated resources. All compatible, potentially compatible, contributory or contributory altered resources within historic districts designated as of the date of enactment of this Article are hereby designated as "contributing resources" on the San Francisco Register, and shall be subject to the restrictions and conditions applicable to contributing resources contained in this Article.~~

SEC. 1005. DESIGNATIONS OF LANDMARKS AND HISTORIC DISTRICTS.

SEC. 1005.1. Criteria and Requirements. The criteria and requirements for placement on, or deletion from, the San Francisco Register as a landmark, historic district, contributing resource or significant interior are as follows:

(a) Landmarks. A nominated individual historic resource or an integrated group of historic resources on a single lot or site assessors lot, including appurtenances and environmental setting, may ~~shall be~~ added to the San Francisco Register as a landmark if the Board of Supervisors finds, after holding the hearing(s) required by this Article, that the requirements set forth below are satisfied:

(1) The designation of the nominated historic resource as a landmark is reasonable, appropriate and necessary to protect, promote, and further the goals and purposes of this Article.

(2) Significance. The nominated historic resource must be significant under ~~meets one~~ or more of the following criteria:

(i) Significant Historic Event. It is associated with events that have made a significant contribution to the broad patterns of San Francisco, regional, state or national history, or the

cultural heritage of San Francisco, the state or the nation, or it is the site of a significant historic event; or

(ii) Significant Person. It is associated with a person or persons who significantly contributed to the architectural, cultural, economic, historic, social, or other aspect of the development of San Francisco, the region, the state or the nation; or

(iii) Significant ~~Important~~ Architecture. It embodies the distinctive characteristics of a property type, architectural style, period or method of construction important to San Francisco, the region, the state or the nation; or

(iv) Significant ~~Important~~ Architect. It represents the work of an architect, designer, engineer or builder whose work is important to in the history or development of San Francisco, the region, the state or the nation; or

(v) Significant to San Francisco's Important Part of City's Heritage. It possesses a special character or special historical, architectural, cultural, economic, social or other aspect of the heritage of or aesthetic value significant to San Francisco the state or the nation; or

(vi) Unique Visual Feature. Its unique location or distinctive physical appearance or presence, or its aesthetic interest or value, represents an established and visual feature of a neighborhood, community, or the City of San Francisco; or

(vii) ~~vi~~ It has yielded, or may be likely to yield, information important locally in prehistory or history or important in prehistory or history of the region, state or nation.

(3 2) Integrity. Integrity is the authenticity of a historic resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Nominated historic resources must meet one of the criteria for significance described above and retain enough of their historic character or appearance to be recognizable as historical resources and to convey their reason for their significance. A The ~~nominated historic resource must have~~ ~~has~~ integrity of location, design, setting, materials,

workmanship, feeling or association. Integrity shall be evaluated with reference to the particular criterion or criteria specified in (1) above under which the nominated historic resource is proposed for designation.

(4) Additional Factors to be Considered: In determining whether to place a nominated historic resource on the San Francisco Register as a landmark, the following factors shall ~~may~~ be considered:

(i) The nominated resource must retain enough of its historic character or appearance to be recognizable as historic resource and to convey the reasons for its significance.

(i ii) Resources that have been rehabilitated or restored may be evaluated for listing.

(ii iii) A moved building, structure or object that is otherwise eligible may be listed on the San Francisco Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historic resource. An historic resource should retain its historic features and compatibility in orientation, setting, and general environment.

(iii iv) A birthplace or grave is eligible if it is that of a historical figure of outstanding importance and there is no other appropriate site or structure directly associated with his or her productive life.

(iv v) A reconstructed building is eligible if the reconstruction is historically accurate, if the structure is presented in a dignified manner as a part of a restoration plan, and if no other original structure survives that has the same association.

(v vi) Properties that are primarily commemorative in intent are eligible if design, age, tradition, or symbolic value invest such properties with their own historical significance.

1 (vi vii) A structure may be eligible as a landmark based on its unique location or distinctive
2 physical appearance or presence, or its aesthetic interest or value, or its value to a neighborhood,
3 community, or San Francisco.

4 (vii viii) A structure may eligible as a landmark if it embodies characteristics of an
5 architectural style or theme distinctive to San Francisco, such as, for example, Victorian, Classical
6 Revival or Art Deco styles, Earthquake Shacks or Earthquake survivors, even if it may not be
7 eligible for listing on the California Register or the National Register.

8 (viii ix) A resource achieving significance within the past fifty (50) years is eligible if it can
9 be demonstrated that sufficient time has passed to understand its importance under the criteria
10 under this Article for placing a resource on the San Francisco Register as a landmark.

11 (ix x) Appurtenances and environmental setting. Scenic and aesthetic conditions,
12 landscapes and landscape features, including without limitation, gardens, squares, walkways,
13 walls, stairs, gateways, trees and other vegetation, rocks, cliffs and other open space features
14 should be included in the landmark designation as a protected feature of the landmark if they
15 relate historically and physically and/or visually to its setting if they are identified as
16 character-defining features and are located within defined boundaries of the landmark site.

17 (b) Historic Districts. Historic districts are unified geographic entities which
18 contain a concentration of historic buildings, structures, or sites united historically,
19 culturally, or architecturally and A-nominated geographic area which contains a number of
20 historic resources, including contributing resources, appurtenances and environmental
21 setting, may shall be added to the San Francisco Register as a historic district if the Board of
22 Supervisors finds, after holding the hearing(s) required by this Article, that the requirements set
23 forth below are satisfied:

1 (1) The designation of the geographic area as a historic district is reasonable,
2 appropriate and necessary to protect, promote, and further the goals and purposes of this
3 Article.

4 (2) The nominated historic district is defined by precise geographic boundaries. The
5 area is a geographically definable area.

6 (3 2) Significance. The nominated historic district must meet at least one or more
7 of the following criteria. The area possesses one or more of the following:

8 (i) A concentration or continuity of historic resources unified aesthetically by plan,
9 physical development or architectural style, having a special character, historical interest or
10 aesthetic value; or

11 (ii) A concentration or continuity of historic resources unified by archeological
12 significance; or

13 (iii) A concentration or continuity of historic resources which represents one or more
14 architectural periods or styles typical of the history of San Francisco; or

15 (iv) An association with an event, person, or period significant or important to San
16 Francisco history.

17 (4 3) Integrity. Integrity is the authenticity of a historic resource's physical identity
18 evidenced by the survival of characteristics that existed during the resource's period of
19 significance. A nominated historic district must meet one of the criteria for significance
20 described above and retain enough historic character or appearance to be recognizable as
21 historical resources and to convey their reason for their significance. A The-nominated
22 historic district resource must have has integrity of location, design, setting, materials,
23 workmanship, feeling or association. Integrity shall be evaluated with reference to the particular
24 criterion or criteria specified in (2 4) above under which the nominated historic resource is
25 proposed for designation.

1 (5 4) Additional Factors to be Considered for historic districts: In determining whether
2 to place a geographic area on the San Francisco Register as a historic district, the following
3 factors shall be considered:

4 (i) A historic district should have integrity of design, setting, materials,
5 workmanship, feeling, location or association.

6 (i ii) The collective historic value of the buildings and structures and other historic
7 resources in a historic district taken together may be greater than the historic value of each
8 individual building, structure, or other historic resource.

9 (ii iii) A historic district may be eligible if the historic resources within the geographic
10 area embody an architectural style, or theme distinctive to San Francisco such as, for example, an
11 area with a concentration of Victorian, Classical Revival or Art Deco styles, even if the district may
12 not be eligible for listing as a district on the California Register or National Register.

13 (c) Contributing Resources in Historic Districts. Each nomination for a historic
14 district shall include a description of the individual resources contributing to the historic district,
15 including scenic and aesthetic features, landscapes and landscape features, which shall be added to
16 the San Francisco Register as contributing resources if the Board of Supervisors finds, after
17 holding the hearing(s) required by this Article, that the requirements set forth below are reasonably
18 satisfied:

19 (1) The contributing resource is located within a historic district;

20 (2) The contributing resource either embodies the significant features and
21 characteristics of the historic district or adds to the historical associations, architectural style,
22 special character or aesthetic qualities of the historic district, or to the archaeological values
23 identified for the historic district;

24 (3) The contributing resource was present during the period of historical significance of
25 the historic district and relates to the significance of the historic district;

1 (4) The contributing resource either possesses integrity of location, design, setting,
2 materials, workmanship, feeling or association. or is capable of yielding important information
3 about the period of historical significance of the historic district. Integrity shall be evaluated
4 with reference to the particular criterion or criteria under which the nominated historic district is
5 proposed for designation; and

6 (5) The designation of the resource as a contributing resource to the historic district is
7 reasonable, appropriate and necessary to protect, promote and further the goals and purposes of
8 this Article.

9 (6) Additional Factors to be Considered for Contributory Resources in Historic
10 Districts: In determining whether an individual building resources contributes to the historic
11 district, the following factors shall be considered:

12 (i) The contextual value of individual buildings and structures as contributors to the
13 scale and continuity of their streetscape within the nominated historic district.

14 (ii) Individual buildings may be eligible as a contributing resource even if alterations
15 have occurred over time, so long as they retain enough of their historic character or appearance to
16 be recognizable as historic resources and convey the reason for their value to the district. As to
17 such resources, the designating ordinance shall require that any changes would make the resource
18 more compatible with the historic district.

19 (iii) Appurtenances and environmental setting. Scenic and aesthetic conditions,
20 landscapes and landscape features, including without limitation, gardens, squares, walkways,
21 walls, stairs, gateways, trees and other vegetation, rocks, cliffs and other open space features may
22 be eligible as contributing resources and shall be designated as such., if they relate historically
23 and physically and/or visually to its setting if they are identified as character-defining
24 features and are located within defined boundaries of the historic district.

1 (d) Significant Interiors. The interior of a landmark or contributing resource within a
2 historic district may be designated as a significant interior and listed in the designating ordinance
3 as a protected feature of the landmark or contributing resource if:

4 (1) The Board of Supervisors finds that the interior is a unique or exceptional
5 representation of the qualities that give the landmark or historic district cultural, historic or
6 architectural significance as embodied in the criteria for designating the landmark or historic
7 district, and the interior has a high degree of integrity in interior architectural design; and

8 (2) The landmark or contributing resource is either publicly owned or generally
9 accessible to the public, or historically has been accessible to members of the public.

10 ~~(3) The interiors of all publicly owned landmarks and contributing resources that are~~
11 ~~subject to review as of the date of enactment of this Article are hereby designated as~~
12 ~~"significant interiors" and shall be subject to the restrictions and conditions applicable to~~
13 ~~significant interiors under this Article.~~

14 (e) Noncontiguous Historic District. A group, or multiple number of historic resources
15 that may not be located in a geographically definable area, but are unified by a common theme or
16 time period, and otherwise meet the criteria described in Section 1005.1(b), may be designated by
17 the Board of Supervisors as a historic district. Examples include, without limitation, a group of
18 Earthquake shacks, Earthquake survivors, or multiple locations associated with gay history or the
19 Beat Period of San Francisco.

20 (f) Designation Case Report. The Historic Preservation Commission shall prescribe
21 the form and information required to be included in a designation case report consistent with the
22 criteria and requirements for placement on the San Francisco Register as set forth in this Section
23 1005.1.

24 SEC. 1005.2. INITIATION OF DESIGNATION.

1 The Board of Supervisors and the Historic Preservation Commission shall each have the
2 authority to initiate designation of historic resources for placement on the San Francisco Register
3 as landmarks, historic districts and contributing resources, or expansion or modification of the
4 boundaries of a historic district, by adoption of a resolution of intent. The procedures and
5 requirements for the initiation of designations shall be as follows:

6 (a) Board of Supervisors.

7 (1) The Board of Supervisors may initiate a designation by adopting a resolution of
8 intent, which shall identify the nominated historic resource and shall direct the Historic
9 Preservation Commission to hold a public hearing to consider the proposed designation. The
10 initiating resolution will be transmitted by the Clerk of the Board of Supervisors to the Historic
11 Preservation Commission together with a designation case report if one has been prepared in
12 support of the proposed designation.

13 (2) Upon receipt of the resolution from the Clerk of the Board of Supervisors, the
14 Historic Preservation Officer shall immediately transmit a copy of the Board of Supervisor's
15 initiating resolution to the Central Permit Bureau.

16 (3) The Historic Preservation Commission shall schedule a public hearing pursuant to
17 the provisions of Section 1005.5 of this Article to consider the proposed designation, which hearing
18 shall be held within sixty (60) days following the adoption by the Board of Supervisors of the
19 initiating resolution; provided that if no designation case report was prepared in support of the
20 proposed designation, or if the designation case report is determined by the Historic Preservation
21 Officer to be inadequate or incomplete, the Historic Preservation Officer may request that the
22 hearing be delayed by up to sixty (60) days, as necessary to prepare or cause to be prepared a
23 complete and adequate designation case report.

24 (4) If the Historic Preservation Commission fails to approve, disapprove or modify the
25 proposed designation within one hundred twenty (120) days of the adoption by the Board of

Supervisors of the initiating resolution, the Board of Supervisors may, in its discretion, schedule a Board of Supervisor's hearing on the proposed designation, in which event, the failure of the Historic Preservation Commission to act within one hundred twenty (120) days of the adoption of the initiating resolution shall not prevent the Board of Supervisors from approving the nomination.

(b) Historic Preservation Commission.

(1) The Historic Preservation Commission may, upon its own initiative or in response to a recommendation of the Historic Preservation Officer or a nomination made pursuant to Section 1005.3, initiate a designation by adopting a resolution of intent, which shall identify the nominated historic resource and, set the time and place for a public hearing to consider the proposed designation, which hearing shall be held by the Historic Preservation Commission within sixty (60) days of the adoption of its resolution of intent.

(2) The Historic Preservation Officer shall immediately transmit a copy of the Historic Preservation Commission's initiating resolution to the Central Permit Bureau and to the Clerk of the Board of Supervisors.

(3) The Historic Preservation Commission shall schedule a public hearing pursuant to the provisions of Section 1005.5 of this Article to consider the proposed designation, which hearing shall be held within sixty (60) days following the adoption by the Historic Preservation Commission of the initiating resolution; provided that if ~~it~~ for any reason, no designation case report was prepared in support of such nomination prior to the Historic Preservation Commission's adoption of the resolution of intent, or if the designation case report is determined by the Historic Preservation Officer to be inadequate or incomplete, the Historic Preservation Officer may request that the hearing be delayed by up to sixty (60) days, as necessary to prepare or cause to be prepared a complete and adequate designation case report.

(4) If the Historic Preservation Commission fails to approve, disapprove or modify the proposed designation within one hundred twenty (120) days of its adoption of the initiating

resolution, the Board of Supervisors may, in its discretion, schedule a Board of Supervisor's hearing on the proposed designation, in which event, the failure of the Historic Preservation Commission to act within one hundred twenty (120) days of the adoption of the initiating resolution shall not prevent the Board of Supervisors from approving the nomination.

SEC. 1005.3. NOMINATIONS.

Nominations for placement of historic resources on the San Francisco Register as landmarks, historic districts and contributing resources may be made by any commission or agency of the City, or by property owners, residents and preservation organizations pursuant to the procedures set forth in this Section 1005.3; provided, however, that the Planning Department may establish a nomination fee in an amount necessary to recover the cost of processing such nominations, and provided, further, that the Historic Preservation Commission may establish such additional procedures, or requirements as it may determine necessary or appropriate.

(a) City Commissions and Agencies.

(1) Any commission or agency of the City, including without limitation, the Arts Commission, Planning Commission, Recreation and Parks Commission, Port Commission, Public Utilities Commission, Redevelopment Agency Commission or Building Inspection Commission, may nominate historic resources for placement on the San Francisco Register as landmarks, historic districts and contributing resources by adopting a resolution, which shall identify the nominated historic resource, and transmitting the resolution to the Historic Preservation Commission, together with a designation case report prepared in support of such nomination.

(2) The commission or agency nominating the historic resource shall be responsible for causing the preparation of the required designation case report, which can be prepared (i) by its staff or volunteers, (ii) by obtaining the services of an outside consultant, or (iii) by the Planning Department staff, subject to reimbursement of the Planning Department for the cost of preparing the report on its behalf.

1 (3) Upon receipt of the resolution nominating the historic resource for placement on the
2 San Francisco Register, the Historic Preservation Officer shall immediately transmit a copy of the
3 resolution to the Central Permit Bureau and to the Clerk of the Board of Supervisors.

4 (4) The Historic Preservation Officer shall promptly review the designation case report
5 for adequacy and completeness and shall, within thirty (30) days of receipt, notify the nominating
6 commission or agency of his or her determination, including the specific reasons for any
7 determination of inadequacy or incompleteness.

8 (5) If the Historic Preservation Officer has determined and notified the nominating
9 commission or agency that the supporting designation case report is inadequate or incomplete, the
10 Historic Preservation Officer shall assist the commission or agency to revise the designation case
11 report within (60) days of said notification to address the inadequacy or incompleteness of the case
12 report.

13 (6) As soon as the Historic Preservation Officer has determined that the supporting
14 designation case report is adequate and complete, the Historic Preservation Officer shall schedule
15 a public hearing before the Historic Preservation Commission pursuant to the provisions of Section
16 1005.5 of this Article to consider initiation of the proposed designation.

17 (b) Property Owners, Residents and Preservation Organizations.

18 (1) Nominations to the Historic Preservation Commission for placing historic resources
19 on the San Francisco Register may be made by property owners, residents and preservation
20 organizations as follows:

21 (i) Landmark. In the case of a proposal for the nomination of a landmark, either the
22 owner(s), an organization which has historic preservation as a stated goal in its by-laws or articles
23 of incorporation, or at least fifty (50) residents of the City may request the designation of a historic
24 resource as a landmark by submitting an application, on a form prescribed by the Historic

Preservation Commission, to the Historic Preservation Officer, together with an adequate and complete designation case report.

(ii) Historic District and Contributing Resources. In the case of a proposal for the nomination of a historic district, either one-third (1/3) of the owners within the proposed district, an organization which has historic preservation as a stated goal in its by-laws or articles of incorporation, or at least one hundred fifty (150) residents of the City may request the designation of an area as a historic district by submitting an application, on a form prescribed by the Historic Preservation Commission, to the Historic Preservation Officer, together with an adequate and complete designation case report.

(2) The Historic Preservation Officer shall promptly review the application and supporting designation case report for adequacy and completeness and shall, within thirty (30) days of receipt, notify the nominating party or parties of his or her determination, including the specific reasons for any determination of inadequacy or incompleteness.

(3) As soon as the Historic Preservation Officer has determined that an application and supporting designation case report are adequate and complete, the Historic Preservation Officer shall notify the Central Permit Bureau of the nomination and schedule a public hearing before the Historic Preservation Commission pursuant to the provisions of Section 1005.5 of this Article to consider initiation of the proposed designation.

(4) If the Historic Preservation Officer has determined and notified the nominating party or parties that an application and/or supporting designation case report are inadequate or incomplete, and the nominating party or parties submits, within sixty (60) days of notification, a revised application and/or designation case report that reasonably addresses the inadequacy or incompleteness of the original application and case report, the Historic Preservation Officer shall notify the Central Permit Bureau of the nomination and schedule a public hearing before the Historic Preservation Commission as provided in Section 1005.3(b)(3) above. If the nominating

1 party or parties fail to submit a revised application and designation case report that reasonably
2 addresses the inadequacy or incompleteness of which they were notified within the said time period,
3 the Historic Preservation Officer will not be required to schedule the nomination before the
4 Historic Preservation Commission. The foregoing notwithstanding, the Historic Preservation
5 Officer may, in his or her discretion, or at the direction of the Historic Preservation Commission,
6 complete or cause to be completed the designation case report.

7 SEC. 1005.4. PROTECTION FOR NOMINATED RESOURCES PENDING FINAL
8 DECISION.

9 (a) Subject to the time limits set forth in Section 1005.4(c) below, any historic resource
10 that has been nominated for which landmark designation has been initiated pursuant to the
11 provisions of this Article for listing on the San Francisco Register as a landmark or historic district,
12 or is located within the geographic area of a nominated historic district, shall be considered to be a
13 landmark, historic district or contributing resource for the purposes of this Article, and shall be
14 subject to the restrictions, and protections, and permit review and entitlement processes of
15 this Article, as well as any additional design guidelines that may be specified in the proposed
16 designating ordinance, as if it were a landmark, historic district or contributing resource for the
17 period of time specified below. These provisions shall apply as to any permit application filed prior
18 to the date of any such nomination, landmark initiation so long as the City has not issued the
19 permit on the date the nomination was made.

20 (b) For the purposes of this section, a resource shall be considered to have been
21 nominated for designation as a landmark or historic district upon the adoption of a resolution of
22 intent to designate by either the Board of Supervisors pursuant to Section 1005.2(a) or the
23 Historic Preservation Commission pursuant to Section 1005.2(b), or by the adoption of a resolution
24 nominating the resource by any commission or agency pursuant to Section 1005.3(a), or by the

filing of an adequate and complete nomination application by a property owner, resident or preservation organization pursuant to Section 1005.3(b).

(c) These restrictions and protections shall apply for a period of one hundred eighty (180) days from the date the resource was nominated. After one hundred eighty (180) days have elapsed from the date of the nomination, if the Board of Supervisors has not adopted an ordinance designating the nominated historical resource, the restrictions and protections established by subsection (a) above shall no longer apply unless a majority of the Board of Supervisors adopts a resolution to extend the time period to consider the proposed designation. The Board of Supervisors may extend the time period for an additional 180 days.

(d) Listed historic resources proposed for deletion from the San Francisco Register shall be subject to the restrictions and protections of this Article unless and until a final decision is made by the Board of Supervisors to delete the listed resource from the San Francisco Register.

SEC. 1005.5. HISTORIC PRESERVATION COMMISSION HEARING.

(a) Notice of Hearing. Notice of the hearing before the Historic Preservation Commission shall be provided as follows:

(1) Notice of Hearing:

(i) Mail. Written notice shall be given by first class mail not less than twenty (20) days prior to the hearing to the owner(s) of the historic resource(s) proposed for listing on the San Francisco Register, as shown on the latest equalized assessment roll, and in the case of a historic district, the notice shall be provided to all property owners within the proposed district, as shown on the latest equalized assessment roll; the individual(s) or organization(s) who nominated the historic resource(s); and other interested parties who have in writing or by email to the Historic Preservation Officer requested such notices. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with the proposed designation.

1 (ii) Publication. Notice shall be published once in a newspaper of general circulation
2 not less than twenty (20) days prior to the hearing date.

3 (iii) Posting. In the case of a nomination of a historic resource other than a historic
4 district, notice shall also be posted not less than twenty (20) days prior to the hearing date on the
5 nominated resource; or in a location adjacent to the resource.

6 (iv) Planning Commission Comments on Historic Districts. In the case of a nomination
7 regarding a historic district, the Historic Preservation Commission shall also send a copy of the
8 notice of hearing to the Secretary of the Planning Commission. The Planning Commission may
9 review the proposed designation and boundaries of the historic district, and may forward its
10 comments to the Historic Preservation Commission for consideration during the public hearing.
11 Failure of the Planning Commission to provide comments prior to the hearing shall not prevent the
12 Historic Preservation Commission from acting on the nomination, provided that any comments
13 received from the Planning Commission within 45 days of the hearing notice shall be forwarded to
14 the Board of Supervisors together with the Historic Preservation Commission's recommendation.
15 The Planning Commission may waive its right to comment on the proposed nomination of the
16 historic district, and its failure to do so within said 45-day period shall constitute a waiver.

17 (v) Other. The Historic Preservation Commission may give such other notice as it may
18 deem desirable.

19 (2) Form and Contents of Notice.

20 The notice shall contain the following information:

21 (i) Common address(es) and Assessors Parcel Number(s), if any, of the historic
22 resource(s) proposed for listing on, or deletion from, the San Francisco Register, including, in the
23 case of the nomination of a historic district, all properties within boundaries of the proposed
24 district and a map of the proposed historic district.

25 (ii) A general explanation of the proposed designation or proposed deletion.

1 (iii) Such other information as the Historic Preservation Commission may deem
2 appropriate.

3 (b) Public Record. A record shall be kept of all pertinent information received by the
4 Historic Preservation Commission pertaining to a nomination and such record shall be maintained
5 as a part of the public records of the Historic Preservation Commission in the Planning
6 Department. Any comments or recommendations timely submitted by the Planning Commission to
7 the Historic Preservation Commission regarding historic district designations shall also be made a
8 part of the public record and shall be forwarded to the Board of Supervisors.

9 (c) Recommendation by the Historic Preservation Commission. Upon the conclusion of
10 its public hearing or hearings, the Historic Preservation Commission shall forward its findings and
11 recommendations to the Clerk of the Board of Supervisors consistent with the following:

12 (1) If the Historic Preservation Commission determines that the historic resource under
13 consideration is eligible for inclusion on the San Francisco Register based upon the criteria,
14 considerations, and assessment of integrity and significance outlined in Section 1005.1 of this
15 Article, the Historic Preservation Commission shall make a recommendation to the Board of
16 Supervisors to include the historic resource on the San Francisco Register as a landmark, historic
17 district or contributing resource. In its recommendation to the Board of Supervisors, the Historic
18 Preservation Commission shall specify the criteria justifying designation of the historic resource
19 pursuant to Section 1005.1 of this Article and may include any controls or standards that may be
20 necessary or desirable to protect and maintain a landmark or contributing resource or to review
21 alterations thereto.

22 (2) In the case of historic district recommendations, the Historic Preservation
23 Commission shall, as a part of its recommendation: (i) identify and describe the individual
24 resources that contribute to the district's designation as a historic district pursuant to Section
25 1005.1(c) of this Article, including, without limitation, scenic and aesthetic conditions, gardens,

1 landscapes and landscape features; (ii) identify as non-contributing resources any properties,
2 structures, features or other resources located within the boundaries of the proposed historic
3 district that have no relevance to the area's identified significance, significant physical features or
4 identifying characteristics; and (iii) include such further controls and standards as the Historic
5 Preservation Commission may deem to be necessary or desirable to protect and maintain
6 the integrity of the historic district and to ensure compatibility of alterations, additions and new
7 construction within the historic district, including which may include, without limitation: (A)
8 specific design guidelines for the preservation, alteration, addition or modification of contributing
9 and noncontributing resources, and for new construction within the historic district (hereinafter
10 referred to as "design guidelines"); and (B) setback, height and bulk controls that establish a
11 threshold under which additions and new construction in the historic district will be
12 presumed to be compatible to insure that any additions to contributing and noncontributing
13 resources, and any new construction in the historic district will be compatible with the
14 prevailing height and bulk of the historic district and contribute to the scale and continuity of the
15 streetscape (hereinafter referred to as "height and bulk controls").

16 (3) In the case of a recommendation that the interior of a landmark or contributing
17 resource be designated as a significant interior, the Historic Preservation Commission shall, as a
18 part of its recommendation, include any controls and standards that may be necessary or desirable
19 to protect and maintain the designated significant interior, and to review alterations thereto.

20 (4) In the case of a recommendation that a park, square, plaza, garden, landscape or
21 landscape features be designated as a landmark, or where such resources contribute to and relate
22 historically and physically and/or visually to the environmental setting of a landmark site or
23 historic district, the Historic Preservation Commission shall, as a part of its recommendation,
24 include any further controls and standards for the review of alterations to such resources, whether

1 or not a permit is or may be required.

2 SEC. 1005.6. ACTION BY BOARD OF SUPERVISORS.

3 (a) Hearing. The Board of Supervisors shall hear and decide on all nominations for
4 placement on the San Francisco Register in accordance with the following:

5 (1) The Historic Preservation Officer shall transmit to the Clerk of the Board of
6 Supervisors for review by the Board of Supervisors the Historic Preservation Commission's
7 recommendations to approve, disapprove or modify the proposal for inclusion on the San Francisco
8 Register, together with any comments and recommendations received from the Planning
9 Commission.

10 (2) Upon receipt of the recommendations of the Historic Preservation Commission, the
11 Board of Supervisors shall schedule a public hearing on the proposal for inclusion on the San
12 Francisco Register pursuant to its rules and procedures, provided that if the Historic Preservation
13 Commission has failed to act within one-hundred twenty (120) days from the date of adoption of the
14 initiating resolution by the Board of Supervisors or Historic Preservation Commission, the Board
15 of Supervisors may schedule a public hearing on the proposal at any time after said one-hundred
16 twenty (120) day period. Notwithstanding the foregoing, upon the request of the Historic
17 Preservation Commission, the Board of Supervisors may, by resolution, extend the time within
18 which the Historic Preservation Commission may transmit its recommendations to the Board of
19 Supervisors.

20 (3) The Board of Supervisors shall either approve, or modify and approve, by
21 ordinance, the action(s) recommended by the Historic Preservation Commission, or disapprove it
22 in its entirety by resolution. In the alternative, the Board of Supervisors may return the proposed
23 nomination to the Historic Preservation Commission for further information, hearings,
24 consideration or study.

1 (4) In reviewing the findings and action(s) recommended by the Historic Preservation
2 Commission, the Board of Supervisors shall consider the criteria and requirements for designation
3 set forth in Section 1005.1 of this Article.

4 (5) In acting upon any proposed inclusion(s) on the San Francisco Register, the Board
5 of Supervisors may modify said designation proposal, provided that the Board of Supervisors shall
6 not take final action upon the proposal if it contains any material modification that has not been
7 considered by the Historic Preservation Commission. Should the Board of Supervisors adopt a
8 resolution proposing to materially modify the proposed designation as recommended by the
9 Historic Preservation Commission while it is before said Board, the designation and the resolution
10 proposing modification shall be referred back to the Historic Preservation Commission for its
11 consideration. In all cases of referral back, the designation and the proposed modification shall be
12 heard by the Historic Preservation Commission according to the requirements set forth in this
13 Article for a new proposal, except that newspaper notice need only be given ten (10) days prior to
14 the date of the hearing.

15 (b) Content of Designating Ordinance. Each designating ordinance adopted by the
16 Board of Supervisors shall include, or shall incorporate by reference as though fully set forth in
17 such designating ordinance;

18 (1) The pertinent resolutions of the Historic Preservation Commission then on file with
19 the Clerk of the Board of Supervisors, if any;

20 (2) The location and boundaries of the landmark site or historic district;

21 (3) A description of the criteria, which justify the designation of the landmark or historic
22 district;

23 (4) Any controls or standards that may be necessary or desirable to protect and
24 maintain a landmark or contributing resource or to review alterations thereto;

25 (5) The designation case report;

1 (6) For historic districts: (i) a list and description of all contributing resources and
2 features, including, without limitation, scenic and aesthetic conditions, gardens, landscapes and
3 landscape features; (ii) a list and description of noncontributing resources; and (iii) all applicable
4 design and setback, height, and bulk guidelines as outlined in Section 1005.5 any controls
5 and standards that may be necessary or desirable to protect and maintain the integrity of the
6 historic district and ensure compatibility of alterations, additions and new construction within the
7 historic district, including any design guidelines and height and bulk controls recommended
8 by the Historic Preservation Commission pursuant to Section 1005.5 of this Article;

9 (7) A description of the interior of a landmark or contributing resource designated as a
10 significant interior, if any, and any controls that may be necessary or desirable to protect and
11 maintain the designated significant interior; and

12 (8) For a park, square, plaza or garden, or for a landscape or landscape features that
13 relate historically and physically and/or visually to the environmental setting of the landmark site
14 or historic district, any further controls and standards for the review of alterations, whether or not
15 a permit is or may be required.

16 (c) Inclusion on the San Francisco Register. The landmark, historic district and/or
17 contributing resources so designated shall, upon designation, be included on the San Francisco
18 Register and be subject to the controls and standards set forth in this Article, and to all such further
19 controls and standards as set forth in the designating ordinance.

20 SEC. 1005.7. Notice of Designation and Recordation. When a landmark, historic district
21 and/or contributing resource has been designated by the Board of Supervisors, the Historic
22 Preservation Officer shall notify the owners of the property(ies) so designated within thirty (30)
23 days following the Mayor's signature or the effective date of ~~an~~ the ordinance and ensure that a
24 notice of its designation is properly and promptly recorded in all of the official property records of
25 the City. In addition, as provided in Section 1004 of this Article, the Historic Preservation Officer

1 shall insure that: (i) the Planning Code is promptly updated; (ii) the change is incorporated into the
2 records and electronic database of the Planning and Building Departments; and (iii) the Clerk of
3 the Board of Supervisors has delivered a copy of the amendment, inclusions or deletions to City
4 officials and departments. The Central Permit Bureau shall maintain a current record of all
5 landmarks, historic districts and contributing resources.

6 SEC. 1005.8. Frequency of Nominations. When a nomination for placement of a historic
7 resource on the San Francisco Register as a landmark, historic district or contributing resource
8 has been denied by the Board of Supervisors, no new nomination for placement of the same or
9 substantially the same historic resource may be filed or submitted within one year following the
10 date of final disapproval of the nomination by the Board of Supervisors. However, a nomination
11 may be reinitiated upon presentation of significant new evidence not previously submitted showing
12 that the nominated historic resource meets the criteria for designation in Section 1005.1, or, in the
13 case of a nominated historic district, that the boundaries of the proposed historic district are
14 substantially different from the previously disapproved nomination.

15 SEC. 1005.9. Amendment or Recession of a Designation. The Board of Supervisors may
16 amend or rescind a landmark or historic district designation by following all of the procedures set
17 forth in this Article 10 for a designating ordinance, provided that:

18 (1) Prior to rescinding any designation, the Board of Supervisors shall find, after
19 holding the hearings required by this Article, that the historic resource no longer meets any of the
20 criteria described in Section 1005.1 which originally led to such designation or that the historic
21 resource has lost its integrity as a historic resource since its designation; provided that where a
22 landmark or contributing resource is proposed for de-designation due to a loss of integrity, the loss
23 of integrity was not the result of any alteration, willful neglect or failure to maintain the historic
24 resource by the owner or agent of the owner, or of any violation of the terms and conditions of any
25 Certificate of Appropriateness; and

1 (2) De-designation may be initiated only by a majority vote of the Historic Preservation
2 Commission or by a majority vote of the Board of Supervisors.

3 (3) When a landmark or historic district designation has been amended or rescinded,
4 the Historic Preservation Officer shall promptly notify the owners of the property included therein,
5 and shall cause a copy of the appropriate ordinance or notice thereof to be recorded in all of the
6 official property records of the City. In addition, the Historic Preservation Officer shall insure that
7 the Planning Code is promptly updated and that the change is incorporated into the records and
8 electronic database of the Planning and Building Departments.

9 SEC. 1006. CONFORMITY AND PERMITS.

10 The following requirements are intended to ensure conformity between existing City permit
11 processes and the provisions of this Article:

12 (a) No person shall carry out or cause to be carried out on any historic resource that is
13 listed on or has been nominated for listing on the San Francisco Register, including without
14 limitation, on any landmark site, on any site within a historic district, on a contributing resource
15 within a historic district, or on a designated significant interior, any alteration, construction,
16 relocation, removal or demolition of any structure, appurtenance, object or feature, except in
17 conformity with the provisions of this Article. Except where explicitly so stated, nothing in this
18 Article shall be construed as relieving any person from other applicable permit requirements. In
19 addition, no such work shall take place unless all other applicable laws and regulations have been
20 complied with, and any required permits have been issued for said work.

21 (b) Upon receipt of any application for a building permit, demolition permit, site permit,
22 alteration permit, or any other permit that may affect any historic resource that is listed on or has
23 been nominated for listing on the San Francisco Register as a landmark, historic district or
24 contributing resource, the Central Permit Bureau shall promptly forward the application to the
25 Historic Preservation Officer and shall not issue any permit unless the Historic Preservation

1 Officer has determined, in accordance with this Article and any rules and regulations issued by the
2 Historic Preservation Commission, that such application is exempt from the provisions of this
3 Article or that a Certificate of Appropriateness has been issued and the permit application
4 conforms with the Certificate of Appropriateness that has been issued. If a Certificate of
5 Appropriateness is required and has not been issued, or if, in the judgment of the Historic
6 Preservation Officer, the permit application is not in strict conformance with a Certificate of
7 Appropriateness that has been issued, no action shall be taken to grant or deny the permit
8 application until such time as conformity does exist. The Historic Preservation Commission shall
9 resolve any question as to conformity of a permit application with a Certificate of Appropriateness.
10 The approval of any project or the issuance or amendment of any permit by the Central Permit
11 Bureau that is inconsistent with any provision of this Article, or with any provision or condition of a
12 Certificate of Appropriateness that has been issued pursuant to this Article, is invalid and shall be
13 revoked or rescinded by the Zoning Administrator or the Director of the Department of Building
14 Inspection.

15 (c) The Department of Building Inspection shall not give final approval or a certificate
16 of final completion on any building permit for work on a building or site for which a Certificate of
17 Appropriateness has been issued pursuant to this Article unless and until the Historic Preservation
18 Officer has determined in writing that the work has been completed in accordance with the terms
19 and conditions of the Certificate of Appropriateness. The Historic Preservation Commission shall
20 resolve any questions as to conformity of work with the terms and conditions of a Certificate of
21 Appropriateness. Any final approval or a certificate of completion on such work without a
22 determination that the work has been completed in conformity with the Certificate of
23 Appropriateness shall be invalid and shall be revoked or rescinded by the Zoning Administrator or
24 the Director of the Department of Building Inspection.

1 The installation of a new general advertising sign is prohibited in any historic district, or on
2 the site of any landmark, which is listed on or has been nominated for listing on the San Francisco
3 Register.

4 (d) No abatement proceedings shall be undertaken by any department, agency, board or
5 commission of the City for any historic resource that is listed on the San Francisco Register or has
6 been nominated for listing on the San Francisco Register without prior consultation with the
7 Historic Preservation Commission.

8 SEC. 1007. CERTIFICATES OF APPROPRIATENESS.

9 SEC. 1007.1. Certificate of Appropriateness Required.

10 A Certificate of Appropriateness shall be required and shall govern review of permit applications
11 for any construction, addition, alteration, relocation, removal or demolition of a structure, object
12 or feature on a designated landmark site, in a designated historic district, on a contributing
13 resource within a designated historic district or in a designated interior, regardless of whether or
14 not the proposed change is visible from a public street or other public place, except in the specific
15 cases set forth in Section 1007.1(e). Certificates of Appropriateness shall be required for any
16 construction, addition, alteration, relocation, removal or demolition of a structure, object or feature
17 on a City-owned property listed on the San Francisco Register, regardless of whether or not a City
18 permit is required, provided that this requirement shall not supercede supersede, impair or
19 modify provisions of the City Charter or laws governing the State of California and the United
20 States of America. All governmental bodies shall work cooperatively with the Historic Preservation
21 Commission to assure the appropriate treatment of historic resources. The definitions, procedures,
22 requirements, controls and standards contained in Sections 1007.1 through 1007.5 shall apply to
23 all Certificate of Appropriateness applications; provided, however, that the designation ordinance
24 for a landmark, historic district or significant interior, or for a park, square, plaza or garden on a
25 landmark site, may add to these procedures, requirements, controls and standards.

1 (a) Demolition. For purposes of this Article, demolition of a structure shall be defined
2 as any one or more of the following:

3 (1) Removal of more than 25 percent of the surface material of all external walls facing
4 a public street(s); or

5 (2) Removal of more than 50 percent of all external walls from their function as all
6 external walls; or

7 (3) Removal of more than 50 percent of the surface material of all external walls; or

8 (4) Removal of more than 50 percent of the building's existing internal structural
9 framework or floor plates unless the Historic Preservation Commission determines that such
10 removal is the only feasible means to meet the standards for seismic load and forces of the latest
11 adopted version of the San Francisco Building Code and the State Historical Building Code.

12 (b) Alterations. For purposes of this Article, alterations shall include the following:

13 (1) Major Alteration. An alteration shall be considered a "major alteration" if any one
14 or more of the following apply:

15 (i) The alteration would remove, cover or modify any portion of the exterior materials,
16 or the exterior architectural appearance, or a portion of a significant interior, or replace them with
17 substitutes inappropriate in material, scale, color or architectural style; or

18 (ii) The alteration would relocate, add or remove windows or doors or replace them
19 with substitutes inappropriate in material, scale or architectural style, or would add a garage; or

20 (iii) The alteration would affect all or any part of a structure's interior structural
21 framework, its floors or floor plates, interior or exterior columns or load-bearing walls; or

22 (iii iv) The alteration would result in any increase in height or bulk above the existing
23 height and bulk of the structure either by a vertical or horizontal addition that is visible from the
24 public thoroughfare, or any addition to or alteration of the roofline that is visible from the
25 public thoroughfare, or by raising the structure above the level of its existing foundation; or

1 (iv) (v) The alteration would require temporarily lifting and supporting the structure above
2 its existing foundation; or

3 (vi) Any work involving a sign, awning, marquee, canopy, mural or other
4 appendage; or

5 (v) (vii) Addition of a roof deck, penthouse, or any other roof top features that is visible
6 from the public thoroughfare; or

7 (vi) (viii) Any exterior changes or changes to designated significant interiors addressed in the
8 design guidelines or height and bulk controls in the landmark or historic district designating
9 ordinance, or changes to features identified as significant or contributing in the designating
10 ordinance, regardless of whether or not a City permit is required, which changes may include;
11 but shall not be limited to signage, landscaping, fencing, installation of lighting fixtures,
12 awnings and any other building appendages; or

13 (vii) (ix) Alterations to parks, squares, plazas, gardens and other landscape features on a
14 landmark site, within a historic district or on a contributing resource within a designated historic
15 district, where the designating ordinance identifies the significance or contribution of such features,
16 or requires the approval of such changes pursuant to this Article, whether on City-owned or
17 privately-owned property; or

18 (viii) (x) Where the cumulative impacts of any and all prior alterations would fit the
19 description for any alteration set forth in subsections (i) through (viii) (ix) herein above.

20 (2) Minor Alteration. Unless the designating ordinance provides otherwise, an
21 alteration may be considered a "minor alteration" if the criteria set forth for a demolition pursuant
22 to Section 1007.1(a) hereof, or for a major alteration pursuant to Section 1007.1(b)(1) hereof, do
23 not apply. Minor alterations consist of the following work:

1 (i) The in-kind replacement of historically accurate architectural features or
2 building elements, including windows, doors, exterior siding, porches, cornices,
3 balustrades, stairs, that are deteriorated beyond repair or were previously removed;

4 (ii) The in-kind replacement of historically accurate site or landscape features;

5 (iii) Rear yard additions if there are no significant architectural features which
6 would be lost or damaged as a result of the construction and it is not visible from a public
7 thoroughfare or right of way;

8 (iv) Rooftop additions that would not result in any damage to, or demolition of, a
9 significant architectural feature of the roof or structure and it is not visible from a public
10 thoroughfare or right of way;

11 (v) The replacement or repair of roof covering materials with no change in
12 appearance or change to roof structure;

13 (vi) Foundation work, with no change in appearance;

14 (vii) Fences and retaining walls that are appropriate in scale, design, and material
15 to the landmark or historic district and that meet the criteria for permitted obstructions
16 listed in Section 136 of this Code;

17 (viii) Awnings and signs;

18 (ix) Exterior lighting that is historically appropriate to the building;

19 (x) The removal of inappropriate additions to restore the original appearance of
20 a structure;

21 (xi) Electrical, plumbing, utility work and other permits for building systems that
22 result in no change in appearance; and

1 (xii) Other ordinary maintenance and repair.

2 ~~and the work consists only of ordinary maintenance and repairs--~~ "Ordinary maintenance
3 and repairs" shall mean work that does not include any change in the design, materials or outer
4 appearance of a structure, the sole purpose and effect of which is to correct minor deterioration,
5 decay or damage. An alteration shall not be considered a minor alteration if the proposed
6 alteration, in combination with all other alterations that have occurred to the resource over time,
7 whether or not approved by the City, would constitute a major alteration as defined above. For this
8 purpose, the cumulative impacts of any and all prior minor alterations shall be considered.

9 (i) Other factors to determine whether an alteration is major or minor may be specified
10 in the design guidelines in the landmark or historic district ordinance.

11 (ii) The Historic Preservation Commission may promulgate rules and regulations to
12 further define minor alterations consistent with the definitions and limitations set forth above.

13 (iii) The authority to approve, disapprove or modify a Certificate of Appropriateness for
14 any proposed activity determined to be a minor alteration may be delegated by the Historic
15 Preservation Commission to the Historic Preservation Officer pursuant to the procedures set forth
16 in Section 1007.4 for Administrative Certificates of Appropriateness.

17 (c) Seismic Retrofit. A Certificate of Appropriateness shall be required for any
18 proposed work to comply with the UMB Seismic Retrofit Ordinances if such work constitutes a
19 demolition pursuant to Section 1007.1(a) hereof or an alteration pursuant to Section 1007.1(b)
20 hereof.

21 (d) Exemptions. Permit applications for the following activities are exempt from this
22 Article and shall be returned by the Historic Preservation Officer, with that determination noted, to
23 the Central Permit Bureau for further processing; provided, however, that the Zoning
24 Administrator may then take any other authorized action with respect to the application.

1 (1) An application for a permit to construct on a landmark site where the landmark has
2 been lawfully demolished and the site is not within a designated historic district; or

3 (2) An application for a permit to make interior alterations only on a privately owned
4 structure unless the interior has been designated a significant interior or the alterations constitute a
5 demolition pursuant to Section 1007.1(a) hereof and do not impact and significant
6 architectural features of the exterior of the building; or

7 (3) A serious and imminent public safety hazard has been declared to exist pursuant to
8 Section 1010(b) of this Article, and the alteration or demolition of the structure or feature
9 concerned is the only feasible means to secure the public safety.

10 The determination of the Historic Preservation Officer that an application is exempt from the
11 provisions of this Article shall be subject to appeal to the Historic Preservation Commission.

12 SEC. 1007.2. Applications for Certificates of Appropriateness.

13 (a) Required Filing. For all permit applications requiring a Certificate of
14 Appropriateness, an application for a Certificate of Appropriateness shall be filed with the Historic
15 Preservation Officer by the owners of the property or their authorized agents, together with the
16 required fee.

17 (b) Content of Applications. The content of applications shall be in accordance with the
18 policies, rules and regulations adopted by the Historic Preservation Commission. All applications
19 shall be upon forms prescribed for such purpose, and shall contain or be accompanied by all
20 information required to assure the presentation of pertinent facts for proper consideration of the
21 application and for the permanent record. In general, the application shall be accompanied by
22 architectural plans, elevation(s), section(s), detail drawings, and specifications showing (1) the
23 existing exterior architectural appearance and features, including but not limited to texture of
24 materials, architectural design and detail drawings, (2) and photographs showing the structure
25 or site in the context of its surroundings; (3) (2) the proposed exterior architectural appearance

and features which are proposed to be preserved, repaired, restored, altered, relocated or demolished, and the proposed changes or modifications thereto, including but not limited to texture of materials, architectural design and detail drawings; (4 3) detail drawings showing any interior changes, including but not by limitation any changes to internal structural framework or floor plates, removal of interior walls, or changes to the foundation; (5 4) technical specifications for any exterior restoration or cleaning work; and (6 5) any other information that may be required by the Historic Preservation Commission or Historic Preservation Officer. The applicant will also be required to file with his/her application the information needed for the preparation and mailing of notices as required in Section 1007.3(a) of this Article.

(c) Additional Requirements for Demolition Applications. Applications for a Certificate of Appropriateness proposing demolition of a landmark or contributory or contributory altered structures within historic districts shall be required to provide the following information:

(1) For all property: (i) the amount paid for the property; (ii) the date of purchase and the party from whom purchased; (iii) the cost of any improvements since purchase by the applicant and date incurred; (iv) the assessed value of the land, and the assessed value of the improvements thereon, according to the most recent assessments; (v) real estate taxes for the previous two years; (vi) annual debt service, if any, for the previous two years; (vii) all appraisals obtained within the previous five years by the owner or applicant in connection with his or her purchase, financing or ownership of the property; (viii) any listing of the property for sale or rent, price asked and offers received, if any; and (ix) any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and

(2) For income producing property: (i) annual gross income from the property for the previous four years; (ii) itemized operating and maintenance expenses for the previous four years; and (iii) annual cash flow for the previous four years; and

1 (3) Applications for the demolition of any buildings which are or may be eligible for
2 Transfer of Development Rights ("TDR") shall also contain a description of any Transferable
3 Development Rights, any TDR's, or the right to such rights which have been transferred from the
4 property, a statement of the quantity of such TDRs rights and untransferred rights remaining, the
5 purchase amount received for rights transferred from the property, the transferee, and a copy of
6 each document effecting a transfer of such rights. Properties which are or may be eligible for the
7 transfer of Transferable Development Rights from the property shall contain a description of the
8 rights available for transfer, the quantity of such rights and the current value of such rights.

9 (4) For all proposed demolitions or new construction within historic districts, detail
10 plans for the proposed new construction shall be required.

11 (d) Verification. Each application filed by or on behalf of one or more property owners
12 shall be verified by signature of at least one such owner or his/her authorized agent attesting to the
13 truth and correctness, under penalty of perjury, of all facts, statements and information presented.

14 (e) Review of Applications.

15 (1) An application for a Certificate of Appropriateness shall first be reviewed by the
16 Historic Preservation Officer who shall determine whether or not the application is complete and
17 accurate. Incomplete or inaccurate applications shall be returned to the applicant.

18 (2) Once the application has been determined to be complete and accurate, the Historic
19 Preservation Officer shall review and evaluate the project for consistency with the standards for
20 review of applications set forth in Section 1007.5, and shall determine whether the proposed project
21 constitutes a minor alteration pursuant to Section 1007.1(b)(2).

22 (3) If the Historic Preservation Officer has determined that a proposed project
23 constitutes a minor alteration, the Historic Preservation Officer may issue an Administrative
24 Certificate of Appropriateness pursuant to Section 1007.4. Otherwise, the Historic Preservation

Commission shall hold a public hearing on the Certificate of Appropriateness pursuant to Section 1007.3.

SEC. 1007.3. Hearing and Decision.

(a) Scheduling and Notice of Hearing. Unless the Historic Preservation Officer has determined that a proposed project constitutes a minor alteration and proceeds to issue an Administrative Certificate of Appropriateness pursuant to Section 1007.4, the Historic Preservation Commission shall hold a public hearing on the Certificate of Appropriateness within forty-five days (45) after the application has been determined complete. Notice of the time, place and purpose of the hearing shall be given not less than ~~ten (10)~~ twenty (20) days prior to the date of the hearing as follows:

(1) By mail to the applicant.

(2) By mail to the owners of all real property within 300-feet of the exterior boundaries of any landmark site that is the subject of the application and, in the case of a application for a project in a historic district to all property owners within 300 feet of the exterior boundaries of the property that is the subject of the application, using for this purpose the names and addresses of the owners as shown on the latest equalized assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action.

(3) By mail to all other interested parties who have in writing to the Historic Preservation Officer requested such notices.

(4) By posting notice on the project site that is the subject of the application, ~~or in a~~ location adjacent to the project site.

(5) Such other notice as the Historic Preservation Commission shall deem appropriate.

(6) The notice shall include ~~a photo of the existing resource~~, a brief description of its historic significance, detailed plans of any proposed alterations or additions to the existing

1 resource, and all other items required under Section 311(c)(5) of this Code. In the case of a
2 proposed demolition or new construction within a historic district, detail plans for the new
3 construction shall be included.

4 (b) Report and Recommendations. The Historic Preservation Officer shall make all
5 necessary investigations and studies prior to the hearing of the Historic Preservation Commission
6 and shall prepare a written report containing (1) the results of the review and evaluation with
7 written recommendations, (2) including the results of the environmental review of the proposed
8 project under CEQA or NEPA, including, without limitation, any environmental impact report,
9 negative declaration or determination that the project is exempt from environmental review, (3)
10 together with proposed findings and a motion on the merits of the proposed project; and (4)
11 any other material that may be necessary for the Historic Preservation Commission to
12 make its determination. The Historic Preservation Officer's recommendation of the
13 proposed project may be to approve, approve with conditions, or disapprove the
14 application. The report, together with the complete Certificate of Appropriateness application,
15 shall be submitted to the Historic Preservation Commission at least five (5) days prior to the date
16 set for hearing.

17 (c) Record. A record shall be kept of the pertinent information presented at the hearing,
18 and such record shall be maintained as a part of the permanent public records of the Historic
19 Preservation Commission in the Planning Department.

20 (d) Continuations. The Historic Preservation Commission shall determine the instances
21 in which applications for a Certificate of Appropriateness scheduled for hearing may be continued
22 or taken under advisement. The Historic Preservation Commission may also continue a hearing on
23 an application pending completion of adequate and complete environmental review of the proposed
24 project. In such cases, new notice need not be given of the further hearing date, provided such date
25 is announced at the scheduled hearing.

1 (e) Decision.

2 (1) The Historic Preservation Commission's decision to approve, disapprove or modify
3 an application shall be in writing and shall state the findings of fact relied upon in reaching the
4 decision, which findings of fact shall become a material part of the final Certificate of
5 Appropriateness.

6 (2) In all cases where the Historic Preservation Commission has made a decision to
7 require modifications to an application, the applicant shall submit, within ~~forty-five (45)~~ thirty
8 ~~(30)~~ days of the decision by the Historic Preservation Commission, a revised application
9 containing all modifications prior to a final action of the Historic Preservation Commission. In
10 such cases the hearing may be continued until the revised application has been submitted. A new
11 notice need not be given of the further hearing date, provided such date is announced at the
12 scheduled hearing; provided, however, that if the applicant does not revise the application within
13 said ~~forty-five (45)~~ thirty ~~(30)~~-day period or if the revised application is determined to be
14 inconsistent with the Historic Preservation Commission's decision, the Historic Preservation
15 Commission may disapprove the Certificate of Appropriateness or schedule a new hearing to
16 consider the application. Failure to submit a revised application containing all modifications
17 required by the Historic Preservation Commission within ~~forty-five (45)~~ thirty ~~(30)~~ days of the
18 decision shall be deemed to constitute disapproval of the application.

19 (3) The decision of the Historic Preservation Commission, in approving, disapproving
20 or modifying an application, shall be final except upon the filing of a valid appeal to the Board of
21 Appeals or Board of Supervisors as provided in Section 1009 of this Article, or upon the valid
22 modification of the Certificate of Appropriateness decision by the Planning Commission as
23 provided in Section 1008 of this Article.

24 (f) Time Limit for Exercise. The Certificate of Appropriateness shall be valid for a
25 period of three (3) years from the date it becomes final, after which time it shall be null and void if

1 all permits have not been issued by the City to allow the project to proceed to completion in
2 compliance with the Certificate of Appropriateness.

3 (g) Reconsideration. When an application for a Certificate of Appropriateness has been
4 disapproved by the Historic Preservation Commission, no application, the same or substantially the
5 same as that which was disapproved, shall be resubmitted to or reconsidered by the Historic
6 Preservation Commission for a period of one year from the final action upon the earlier
7 application.

8 SEC. 1007.4. Administrative Certificate of Appropriateness.

9 (a) If the Historic Preservation Officer has determined that a proposed activity is a
10 minor alteration pursuant to the criteria set forth in Section 1007.1(b)(2) of this Article, the
11 Historic Preservation Officer may issue "an Administrative Certificate of Appropriateness" which
12 shall be subject to the following procedures:

13 (i) Within ten (10) days after the date the Historic Preservation Officer has issued an
14 Administrative Certificate of Appropriateness, "an Administrative Certificate of
15 Appropriateness, the applicant and any individuals or organizations that have requested in
16 writing to be notified of such determinations shall be notified in writing of the determination.

17 (ii) Within ten (10) Days after the date the Historic Preservation Officer has
18 issued an Administrative Certificate of Appropriateness, copies of the Administrative
19 Certificate of Appropriateness shall be given to the Historic Preservation Commission. The
20 Administrative Certificate of Appropriateness shall be placed on the consent calendar for
21 the next meeting of the Historic Preservation Commission to be held at least ten (10) days
22 following the date of the written notification required by subsection (i) above. Except as
23 provided in subsection (iv) below, the notice and hearing requirements provided in Section
24 1007.3 of this Article shall not be required.

1 (iii) Within fifteen (15) days of issuance of the Administrative Certificate of
2 Appropriateness, At or prior to the scheduled meeting of the Historic Preservation
3 Commission, any member of the public or Historic Preservation Commissioner may object in
4 writing to the issuance of the Administrative Certificate of Appropriateness and request that the
5 Historic Preservation Commission schedule the proposed project activity for a public hearing, in
6 which event, the Historic Preservation Commission shall consider the proposed project
7 pursuant to the requirements of Section 1007.3 of this Article..

8 (iv) At the scheduled meeting, any member of the Historic Preservation
9 Commission or any member of the public may request that the proposed activity be
10 removed from the consent calendar and scheduled for public hearing at a future meeting,
11 in which event, the Historic Preservation Commission shall consider the proposed activity
12 pursuant to the requirements of Section 1007.3 of this Article.

13 (v) If there is no request for the Historic Preservation Commission to review the
14 Administrative Certificate of Appropriateness proposed activity is not removed from the
15 consent calendar, the Administrative Certificate of Appropriateness it shall become final and
16 shall be treated as a Certificate of Appropriateness for all purposes of this Article.

17 SEC. 1007.5. STANDARDS FOR REVIEW OF APPLICATIONS.
18 Review of all applications for Certificates of Appropriateness shall be governed by the standards in
19 this Section.

20 (a) General Standards.

21 (1) The proposed work shall be appropriate for the effectuation of, and consistent with,
22 the purposes of this Article.

23 (2) The proposed work shall comply with any specific controls and standards embodied
24 in the designating ordinance, including any design guidelines or height and bulk controls.

1 (3) ~~Secretary of the Interior's Standards. As set forth in Section 1007.5(b) below, the~~
2 ~~Secretary of the Interior's Standards for the Treatment of Historic Properties~~ Rehabilitation
3 ~~(codified in the Code of Federal Regulations Volume 36, section 67, as such may be amended from~~
4 ~~time to time) shall be used by the Historic Preservation Commission in its review of Certificate of~~
5 ~~Appropriateness applications. Additional treatment methods for the preservation,~~
6 reconstruction and restoration of cultural resources listed in the Secretary of the Interior's
7 Standards for the Treatment of Historic Properties shall also be used by the Historic
8 Preservation Commission in its review of Certificate of Appropriateness Applications.

9 (4) ~~In the event of any conflict between the Secretary's Standards and any other~~
10 ~~standards and controls set forth in this Section 1007.5 or contained in the designating ordinance,~~
11 ~~the more protective standard shall control.~~

12 (5) Any exterior change to a property within a historic district that is not already
13 ~~compatible with the character of the historic district shall bring the site, structure or object~~
14 ~~closer to compatibility, and in no event shall there be a greater deviation from compatibility.~~

15 (b) Standards for Review of Work on Landmarks and Contributing Resources in Historic
16 ~~Districts. For applications pertaining to work on landmark sites and on contributing resources~~
17 ~~within historic districts, and on designated significant interiors, other than demolitions, the~~
18 ~~proposed work shall be reviewed against the Secretary of the Interior's Standards for~~
19 ~~Rehabilitation and meet each standard where applicable not adversely affect any~~
20 significant historical or architectural feature of the landmark, contributing resource,
21 designated significant interior or district and shall meet all of the following standards:

22 (1) ~~A property will~~ shall be used as it was historically or be given a new use that
23 ~~requires minimal change to its distinctive materials, features, spaces, and spatial relationships.~~

- 1 (2) *The historic character and features of a property shall be retained and preserved.*
2 *The removal of distinctive materials or alteration of features, spaces, and spatial relationships that*
3 *characterize a property will be avoided shall not be allowed.*
- 4 (3) *Each property shall be recognized as a physical record of its time, place, and use.*
5 *Changes that create a false sense of historical development, such as adding conjectural features or*
6 *elements from other historic properties, will not be undertaken, shall not be allowed.*
- 7 (4) *Changes or alterations to a property that have acquired historic significance in their*
8 *own right will shall be retained and preserved.*
- 9 (5) *Distinctive materials, features, finishes, and construction techniques or examples of*
10 *craftsmanship that characterize a property will shall be preserved.*
- 11 (6) *Deteriorated historic features will shall be repaired rather than replaced. Where*
12 *the severity of deterioration requires replacement of a distinctive feature, the new feature will shall*
13 *match the old in design, color, texture, and where possible, materials. Replacement of missing*
14 *features will shall be substantiated by documentary and physical evidence.*
- 15 (7) *Chemical or physical treatments, if appropriate, will shall be undertaken using the*
16 *gentlest means possible. Treatments that cause damage to historic materials will shall not be used.*
- 17 (8) *New additions, exterior alterations, or related new construction will shall not*
18 *destroy historic materials, features, or spatial relationships that characterize the property. The*
19 *new work shall be differentiated from the old and will be compatible with the historic*
20 *materials, features, size, scale, and proportion, and massing to protect the integrity of the*
21 *property and its environment. While the new work should be differentiated from the old, it*
22 *shall be compatible with the historic materials, features, size, scale and proportion, and*
23 *massing to protect the integrity of the property and its environment.*
- 24 (9) *New exterior additions and adjacent or related new construction will shall be*
25 *undertaken in such a manner that, if removed in the future, can be removed in the future and*

1 in such a manner that if removed in the future, the essential form and integrity of the historic
2 property and its environment would be unimpaired ~~without extensive restoration or~~
3 ~~reconstruction.~~

4 (10) Archaeological resources shall be protected and preserved in place. If such
5 resources must be disturbed, mitigation measures ~~will~~ shall be undertaken.

6 (11) The proposed work shall also comply with any specific controls and
7 standards embodied in the designating ordinance, including design guidelines and height
8 and bulk controls.

9 (c) Additional Standards for Infill Construction in Historic Districts Standards for
10 Review of New Construction and Other Work in Historic Districts. For applications
11 pertaining to a site or feature in a historic district, other than on a landmark site or on a site of
12 a contributing resource, any new construction, addition, alteration or exterior change shall
13 meet the following requirements: (1) be compatible with respect to height, massing, fenestration,
14 materials, color, texture, detail, style, scale and proportion, signage, landscaping and other
15 features, which define the character of the historic district as described in the designating
16 ordinance; and (2) comply with any specific controls or standards that may be embodied in the
17 designating ordinance, including, but not by limitation, design guidelines and height and bulk
18 controls; and (3) preserve, enhance or restore, and not damage or destroy, the exterior
19 architectural appearance of any site, structure or object which is compatible with the character of
20 the historic district. Notwithstanding the foregoing, any exterior change to a property within
21 a historic district that is not already compatible with the character of the historic district
22 shall bring the site, structure or object closer to compatibility, and in no event shall there be
23 a greater deviation from compatibility

24 (d) Standards for Review of Demolitions.

1 (1) Applications for demolition on landmark sites, of contributing resources within a
2 historic district, or of a designated significant interior shall not be approved unless one of the
3 following two determinations is made by the Historic Preservation Commission, based on evidence
4 in the record:

5 (i) It is determined that the property retains no substantial reasonable remaining
6 market value or reasonable use, taking into account the costs of rehabilitation to meet the
7 requirements of the Building Code, the provisions of the State Historic Building Code, the Mills
8 Act, federal rehabilitation tax credits and any other available incentives. Costs of rehabilitation
9 necessitated by alterations made: (A) in violation of this Article, (B) by demolition in violation of
10 this Article, (C) by failure of the current or prior owners to maintain the property whether by
11 intention or neglect in violation of Planning Code section 1011, (D) to accommodate the owner's
12 specific personal or business needs or desires to expand the square footage or to make alterations
13 inconsistent with the standards of Section 1007.5(b) of this Article, may not be included in the
14 calculation of rehabilitation costs for this purpose; or

15 (ii) Pursuant to Section 1010(b) of this Article, the Director of the Department of
16 Building Inspection or Chief of the Fire Department has declared in writing that a serious and
17 imminent public safety hazard exists and that demolition of the structure is the only feasible means
18 to secure the public safety.

19 (2) If the application proposes removal or demolition on a landmark site, or of a
20 contributing resource within a historic district, or of a designated significant interior, the Historic
21 Preservation Commission may determine, in its sole discretion, that additional time is necessary to
22 make a determination with regard to the standards required by Section 1007.5(d)(1)(i), above, or to
23 take any steps it deems necessary or appropriate to find alternatives to demolition, in which case,
24 the Historic Preservation Commission may suspend action on the application for a period not to
25

1 exceed 180 days; provided that the Historic Preservation Commission by resolution may, for good
2 cause shown, extend the suspension for an additional period not to exceed 180 days.

3 (3) If the application proposes removal or demolition of a structure in a designated
4 historic district other than on a landmark site, or site of a contributing resource, or of a designated
5 significant interior, the Historic Preservation Commission may disapprove or approve the
6 application, or may suspend action on it for a period not to exceed 90 days, subject to extension by
7 the Historic Preservation Commission as provided in the preceding subsection; provided; however,
8 that the designating ordinance for the historic district may authorize the suspension of action for an
9 alternate period which may exceed 90 days and in such event the provision of the designating
10 ordinance shall govern, subject to extension by the Historic Preservation Commission as provided
11 herein.

12 (e) Replacement Structures. Except where the Director of the Department of Building
13 Inspection or Chief of the Fire Department has declared that a serious and imminent public safety
14 hazard exists and that demolition of the structure is the only feasible means to secure the public
15 safety (as provided in Section 1007.5(d)(1)(ii), above), no application for a demolition permit in a
16 historic district, whether pertaining to a contributing resource or a noncontributing resource, shall
17 be approved until a Certificate of Appropriateness for the replacement structure has been approved
18 by the Historic Preservation Commission in accordance with the standards for new construction in
19 a historic district as provided in Section 1007.5(c) of this Article.

20 (f) Independent Experts. The Historic Preservation Commission may call upon
21 the services of an independent expert to aid in evaluation of the economic, structural,
22 engineering, construction or other data when reasonably necessary for decisions
23 regarding demolition or major alterations. The applicant shall pay for the reasonable costs
24 of the services of such independent expert(s) who shall be selected and hired by, and
25 report directly to, the Historic Preservation Commission or Historic Preservation Officer.

1 SEC. 1008. PLANNING COMMISSION RIGHT TO MODIFY A CERTIFICATE OF
2 APPROPRIATENESS.

3 SEC. 1008.1. Projects Requiring Multiple Approvals.

4 (a) For project applications that require multiple planning approvals, the Historic
5 Preservation Commission must review and act on any Certificate of Appropriateness pursuant to
6 Section 1007 of this Article before any other planning approval action.

7 (b) Only as to those projects that (1) require a Planning Commission hearing on either
8 a conditional use permit, as required under this Code as of November 4, 2008, or permit review as
9 required under Sections 309 and 309.1 of this Code as of November 4, 2008 and (2) do not concern
10 a designated landmark site, the Planning Commission may modify a decision of the Historic
11 Preservation Commission on a Certificate of Appropriateness by a two-thirds vote of its members,
12 pursuant to the following:

13 (1) Any consideration by the Planning Commission of whether to modify a Certificate of
14 Appropriateness shall take place during the noticed hearing on the related conditional use permit
15 or Section 309 permit review.

16 (2) In its consideration as to whether to modify a Certificate of Appropriateness, the
17 Planning Commission may consider policies set forth in the General Plan and the Priority Policies
18 of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall
19 apply all applicable historic resources provisions of this Code, including the applicable provisions
20 of Section 1007 of this Article, and any specific controls and standards embodied in the designating
21 ordinance, including any design guidelines and height and bulk controls.

22 (3) Any decision of the Planning Commission to modify the Historic Preservation
23 Commission's decision on a Certificate of Appropriateness shall require a two-thirds vote of its
24 members, and the Planning Commission's resolution shall include a statement of reasons for the
25 modification, including identification of policies or objectives that would be promoted by a

modification of the Certificate of Appropriateness, and findings as to how the Planning Commission's decision complies with all applicable historic resources provisions of this Code, including the applicable provisions of Section 1007 of this Article and any specific controls and standards embodied in the designating ordinance, including any design guidelines and height and bulk controls.

(4) A written report which shall include findings adopted by the Planning Commission regarding a Any proposed modification of a Certificate of Appropriateness pursuant to this Section 1008 that would expand, broaden, or enlarge or materially modify the scope of the work proposed under the Certificate of Appropriateness that was considered by the Historic Preservation Commission shall be referred provided back to the Historic Preservation Commission for consideration before the Planning Commission's action to modify the Certificate of Appropriateness becomes final within twenty (20) days of the Planning Commission's action. In all cases of referral back, the proposal shall be heard by the Historic Preservation Commission as a new proposal according to the requirements set forth in this Article, except that newspaper notice need only be given ten (10) days prior to the date of the hearing. The Historic Preservation Commission shall review the modifications within a reasonable time of referral back. In the event the Historic Preservation Commission does not review the modifications within a reasonable time, the Planning Commission may finalize its decision.

SEC. 1008.2. Planning Commission Review of Discretionary Review Applications

(a) The Planning Commission does not have the authority to review Discretionary Review applications pursuant to Sections 311 or 312 of this Code for projects on sites identified in the San Francisco Register, defined in Section 1004 of this Article, that include exterior modifications subject to a Certificate of Appropriateness. For mandatory Discretionary Reviews by the Planning Commission pursuant to Section 317 or other

applicable sections of the Code, if there is a Certificate of Appropriateness that must be approved or disapproved by the Historic Preservation Commission, the Planning Commission cannot modify said Certificate of Appropriateness unless the proposed project meets the provisions outlined in Section 1008.1(b).

SEC. 1008.3 Zoning Administrator's Review of Variance Applications.

(a) For project applications that require a Variance from the Planning Code in addition to a Certificate of Appropriateness, the Historic Preservation Commission must review and act on any Certificate of Appropriateness pursuant to Section 1007 of this Article before the Zoning Administrator may take action on the Variance application.

(b) The Zoning Administrator does not have the authority to review Variance applications on sites identified in the San Francisco Register, defined in Section 1004 of this Article, that include exterior modifications subject to a Certificate of Appropriateness. Upon final action by the Historic Preservation Commission, the Zoning Administrator may consider and act upon the Variance application, provided that any final action taken by the Zoning Administrator does not result in the modification of the approved Certificate of Appropriateness.

SEC. 1008.42. Projects Located on Vacant Lots.

For projects that are located on vacant lots, the Planning Commission may modify a decision of the Historic Preservation Commission on a Certificate of Appropriateness by a two-thirds vote of its members, pursuant to the following:

(a) Within ten (10) days of the decision of the Historic Preservation Commission on a Certificate of Appropriateness, the Planning Commission may consider and adopt a resolution of intent to review and consider modifying the Certificate of Appropriateness.

(b) The Planning Commission shall review and consider at a public meeting any proposed modification of a Certificate of Appropriateness at a public hearing to be held within

1 forty five (45) ~~twenty (20)~~ days of the adoption of the resolution of intent. Notice of such
2 meeting(s) shall be given not less than ~~ten (10)~~ twenty (20) days prior to the meeting date in the
3 same manner as required for a Certificate of Appropriateness.

4 (c) In its consideration as to whether to modify a Certificate of Appropriateness, the
5 Planning Commission may consider policies set forth in the General Plan and the Priority Policies
6 of Section 101.1 of this Code, provided that, in making its decision, the Planning Commission shall
7 apply all applicable historic resources provisions of this Code, including the applicable provisions
8 of Section 1007 of this Article, and any specific controls and standards embodied in the designating
9 ordinance, including any design guidelines and height and bulk controls.

10 (d) Any decision of the Planning Commission to modify a Certificate of Appropriateness
11 shall require a two-thirds vote of its members, and the Planning Commission's resolution shall
12 include a statement of reasons for the modification, including identification of policies or objectives
13 that would be promoted by a modification of the Certificate of Appropriateness, and findings as to
14 how the Planning Commission's decision complies with all applicable historic resources provisions
15 of this Code, including those listed in (c) above.

16 (e) A written report which shall include findings adopted by the Planning
17 Commission regarding a ~~Any proposed~~ modification of a Certificate of Appropriateness
18 pursuant to this section that would expand, broaden, or enlarge or materially modify the
19 scope of the work proposed under the Certificate of Appropriateness that was considered by
20 the Historic Preservation Commission shall be provided referred back to the Historic
21 Preservation Commission for consideration before the Planning Commission's action to
22 modify the Certificate of Appropriateness becomes final within twenty (20) days of the
23 Planning Commission's action. In all cases of referral back, the proposal shall be heard by
24 the Historic Preservation Commission as a new proposal according to the requirements
25 set forth in this Article, except that newspaper notice need only be given ten (10) days

prior to the date of the hearing. The Historic Preservation Commission shall review the modifications within a reasonable period of referral back. In the event the Historic Preservation Commission does not review the modifications within a reasonable period, the Planning Commission may finalize its decision.

(f) If the Planning Commission takes Discretionary Review of any project upon which the Historic Preservation Commission has made a decision on a permit to alter pursuant to this Article, any decision of the Planning Commission that would , broaden, enlarge or materially modify the scope of the work proposed under the permit that was considered by the Historic Preservation Commission shall be referred back to the Historic Preservation Commission for review, which may approve, disapprove, or approve with conditions, any changes proposed by the Planning Commission. In all cases of referral back to the Historic Preservation Commission under this subsection, the proposal shall be heard by the Historic Preservation Commission as a new application according to the requirements set forth in this Article for the permit, except that newspaper notice need only be given ten (10) days prior to the date of the hearing. The Historic Preservation Commission shall review the modifications within a reasonable period of referral back. In the event the Historic Preservation Commission does not review the modifications within a reasonable period, the Planning Commission may finalize its decision.

SEC. 1009. APPEALS.

SEC. 1009.1. Right of Appeal. The Historic Preservation Commission's decision on a Certificate of Appropriateness, or the Planning Commission's modification of a Historic Preservation Commission's decision on a Certificate of Appropriateness pursuant to Section 1008 of this Article, shall be final unless appealed to the Board of Appeals, which may modify the decision on a Certificate of Appropriateness by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional

use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the Historic Preservation Commission's decision on a Certificate of Appropriateness, or Planning Commission's modification of a Certificate of Appropriateness, by a majority vote. A decision appealed to the Board of Appeals shall not become effective unless and until the Board of Appeals' decision on the Certificate of Appropriateness becomes final. Any decision appealed to the Board of Supervisors shall not become effective until the Board of Supervisors' approval or action on the appeal. Nothing in this Section shall be construed to authorize the appeal of any decision of the Historic Preservation Commission under Section 1007.5(d) of this Article to suspend action on a Certificate of Appropriateness application.

SEC. 1009.2. Appeals to the Board of Appeals.

(a) Any appeal under this Section to the Board of Appeals shall be taken by filing written notice of appeal with the Board of Appeals within (15) days after the date of the decision by the Historic Preservation Commission or the Planning Commission, where applicable, by the property owner or any interested party in writing to the Board of Appeals.

(b) Notice of any appeal to the Board of Appeals of a Certificate of Appropriateness shall, in addition to being given pursuant to the notice requirements of the Board of Appeals, be given to (1) the owners of all real property within 300-feet of the exterior boundaries of any landmark site that is the subject of the appeal, and (2) in the case of an appeal of a Certificate of Appropriateness for a project in a historic district, to all property owners within 300 feet of the exterior boundaries of the property that is the subject of the appeal, and, (3) to all other interested parties who have in writing or email to the Historic Preservation Officer requested such notices.

(c) Any decision of the Board of Appeals to modify a Certificate of Appropriateness shall require a 4/5 vote of its members.

(d) Except as otherwise provided in this subsection, the procedures and requirements governing hearings before the Board of Appeals shall apply.

1 SEC. 1009.3. Appeals to the Board of Supervisors.

2 (a) The Historic Preservation Commission's decision on a Certificate of
3 Appropriateness, or the Planning Commission's modification of a Historic Preservation
4 Commission's decision on a Certificate of Appropriateness pursuant to Section 1008 of this Article,
5 are subject to appeal to the Board of Supervisors only if the projects requires Board of Supervisors
6 approval or is appealed to the Board of Supervisors as a conditional use.

7 (b) Any appeal under this Section to the Board of Supervisors shall be taken by filing
8 written notice of appeal with the Board of Supervisors within (15) days after the date of the
9 decision by the Historic Preservation Commission or the Planning Commission, where applicable,
10 by the property owner or any interested party in writing to the Clerk of the Board of Supervisors.

11 (c) Upon filing of such written notice of appeal, the Board of Supervisors or the Clerk
12 thereof shall set a time and place for hearing such appeal, which hearing may be conducted at the
13 same meeting that the Board of Supervisors considers the project's required approvals or the
14 conditional use appeal, as applicable; provided that said hearing and decision must be made not
15 more than 60 days from the date of filing of the appeal. Failure of the Board of Supervisors to act
16 within such time limit shall be deemed to constitute approval by the Board of Supervisors of the
17 action of the Historic Preservation Commission, or, if applicable, the Planning Commission.

18 (d) Any decision of the Board of Supervisors to modify the Historic Preservation
19 Commission's decision on a Certificate of Appropriateness, or Planning Commission's modification
20 of a Certificate of Appropriateness, shall require a majority vote.

21 SEC. 1010. UNSAFE OR DANGEROUS CONDITIONS.

22 Where the Director of the Department of Building Inspection or Chief of the Fire Department
23 determines that a condition on or within a landmark site or a structure or object within a historic
24 district is unsafe or dangerous, whether caused by failure to properly maintain the structure or by a
25

1 major disaster such as fire, earthquake or other calamity, by Act of God, or by the public enemy,
2 the following provisions shall apply:

3 (a) If the unsafe or dangerous condition does not pose a serious and imminent public
4 safety hazard, the Director of the Department of Building Inspection or Chief of the Fire
5 Department shall attempt to determine the measures of repair or other work necessary to correct
6 the unsafe condition in a manner consistent with the purposes and standards set forth in this
7 Article. To the extent possible, such officials shall consult with the Historic Preservation
8 Commission and shall consider relevant provisions of the State Historical Building Code. Where
9 possible, temporary measures which have minimal intervention with the structure or object shall be
10 implemented in order to allow sufficient time for proper review by the Historic Preservation
11 Commission. In the event of disagreement as to whether alteration, repair or other work rather
12 than demolition is the best available means to secure the public safety, the opinion of an
13 independent expert with experience in historic preservation shall be obtained by the Historic
14 Preservation Commission from a list of qualified consultants. The findings of this expert shall be
15 given due weight by the Director of the Department of Building Inspection and Chief of the Fire
16 Department when determining how to abate a hazardous condition.

17 (b) If the Director of the Department of Building Inspection or Chief of the Fire
18 Department declares in writing that the condition does pose a serious and imminent public safety
19 hazard and that alteration or demolition of the structure is the only feasible means to secure the
20 public safety, none of the provisions of this Article shall be construed to prevent any measures of
21 construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of
22 any structure, other feature, or part thereof; provided, however, that only such work as is
23 absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to
24 this Section

25 SEC. 1011. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

1 (a) Maintenance. The owner, lessee, or other person responsible for maintenance or
2 operation of a landmark or of a structure or object in a historic district shall comply with all
3 applicable codes, laws and regulations governing the maintenance of property. It is the intent of
4 this section:

5 (1) To preserve designated landmarks and contributory structures or objects within
6 historic districts, including the interior portions thereof when designated as significant interiors,
7 from neglect and/or the negative cumulative effects of successive alterations; and

8 (2) To preserve landmarks and contributory structures or objects within historic
9 districts, including the interior portions thereof when designated as significant interiors, against
10 decay and deterioration and to keep them free from structural defects. Such defects may include
11 but not be limited to the following:

12 (A) Facades, which may fall and injure the public or property;

13 (B) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor
14 supports, deteriorated walls or other vertical structural supports;

15 (C) Members of ceilings, roofs, ceiling and roof supports, ¶ parapets, cornices or other
16 horizontal members, which sag, split or buckle due to defective material or deterioration;

17 (D) Deteriorated ornamental features;

18 (E) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations
19 or floors, including broken windows or doors;

20 (F) Defective or insufficient weather protection for exterior wall covering,
21 including lack of paint or weathering due to lack of paint or other protective covering;

22 (E G) Any fault or defect in the resource, which renders it not properly watertight or
23 structurally unsafe.

24 (b) Enforcement Procedures. Failure to maintain property as provided in a manner
25 that complies with all applicable codes, laws and regulations governing maintenance

property herein shall be unlawful and is hereby declared to be a public nuisance. Violations of this Section 1011 shall be subject to enforcement procedures as set forth in Sections 1012 and 1013 of this Article, and as set forth in Sections 176 and 176.1 of this Code.

SEC. 1012. UNLAWFUL ALTERATION OR DEMOLITION.

(a) In addition to any other penalties provided in this Code or elsewhere, whenever the Historic Preservation Commission, Zoning Administrator or Historic Preservation Officer determines that there has been an alteration or demolition of a landmark or any building within a historic district in violation of the provisions of this Article, the site may not be developed in excess of the floor area ratio, dwelling unit density or building volume of the altered or demolished building for a period of 20 years from the unlawful alteration or demolition. The Zoning Administrator shall send written notice to the property owner of such determination. No department shall approve or issue a permit that would authorize construction of a structure contrary to the provisions of this Section.

(b) A property owner may be relieved of the penalties provided in Subsection (a) if:

(1) As to an unlawful alteration or demolition, the owner can demonstrate to the satisfaction of the Historic Preservation Commission and the Zoning Administrator that the work alleged to be a violation did not require a Certificate of Appropriateness as provided in Section 1007 of this Article; or

(2) As to an unlawful alteration, the owner restores the original distinguishing qualities and character of the building destroyed or altered, including exterior character-defining spaces, materials, features, finishes, exterior walls and exterior ornamentation. A property owner who wishes to effect a restoration pursuant to this Section 1012(b)(2) shall, in connection with the filing of a building or site permit application, file an application for a Certificate of Appropriateness. The Historic Preservation Commission may not approve the Certificate of Appropriateness unless it finds that the restoration can be accomplished with a substantial degree of success in accordance

with the standards for issuance of a Certificate of Appropriateness set forth in this Article 10. Upon such approval, and the completion of such work in a satisfactory manner, the limitation on floor area ratio set forth in Section 1012(a) above shall not thereafter apply.

(c) In the event that the owner does not (1) respond to the Zoning Administrator's written notice within 30 days of the date of such notice or (2) demonstrate that no violation has occurred or (3) restore as described above, the Zoning Administrator shall cause to be filed with the Recorder of the City and County of San Francisco a Notice of Special Restriction limiting the development of the site.

(d) In addition to the penalties described in this Section 1012, any building owner who violates this Article 10 shall be subject to the enforcement procedures and penalties described in Section 1013 of this Article and Sections 176 and 176.1 of this Code.

SEC. 1013. ENFORCEMENT AND PENALTIES.

The provisions of this Article and any provision or condition of any certificate of appropriateness that has been obtained pursuant to this Article shall be enforced and penalties shall be assessed as provided in Sections 176 and 176.1 of this Code.

(a) Authority of Historic Preservation Commission. The Historic Preservation Commission shall have the power to (1) file appeals on its own behalf to any appropriate City officials, commissions, boards, departments or agencies; and (2) initiate enforcement actions and imposition of penalties pursuant to Sections 176 and 176.1 of this Code by providing notice of any violation to the Director of the Planning Department, Director of Building Inspection, Zoning Administrator, City Attorney, District Attorney or other appropriate City officials, commissions, boards, departments or agencies who shall be required to immediately institute enforcement proceedings;

(b) Duty to Administer and Enforce. It shall be the duty of the Zoning Administrator Director of the Planning Department, or the Zoning Administrator's Director's delegate, to

1 administer and enforce the provisions of this Article 10. Upon request, the Department of Building
2 Inspection shall assist the ~~Zoning Administrator~~ Director of the Planning Department in the
3 performance of this duty.

4 (c) Inspection of Premises. In the performance of his duties, the ~~Zoning Administrator~~
5 Director of the Planning Department and employees of the Department properly authorized to
6 represent the ~~Zoning Administrator~~ Director of the Planning Department shall have the right to
7 enter any building or premises for the purposes of investigation and inspection upon reasonable
8 notice to the owner; and provided further, that such right of entry shall be exercised only at
9 reasonable hours, and that in no case shall entry be made to any building without notice to the
10 owner or tenant thereof without the written order of a court of competent jurisdiction.

11 (d) Methods of Enforcement. In addition to the regulations of this Article 10, Article 11,
12 other Articles of this Code and provisions of the Charter which govern enforcement procedures and
13 the approval or disapproval of applications for building permits or other permits or licenses
14 affecting the use of land or buildings, the ~~Zoning Administrator~~ Director of the Planning
15 Department shall have the additional authority to implement the enforcement thereof by the
16 following means:

17 (1) The ~~Zoning Administrator~~ Director of the Planning Department may serve
18 notice requiring the removal of any violation of this Article 10 or Article 11 upon the owner, agent
19 or tenant of the building or land, or upon the architect, builder, contractor or other person who
20 commits or assists in any such violation; and

21 (2) The ~~Zoning Administrator~~ Director of the Planning Department may call upon
22 the District Attorney to institute any necessary legal proceedings to enforce the provisions of this
23 Article 10 or Article 11, and the District Attorney is hereby authorized to institute appropriate
24 actions to that end.

1 (e) Penalties. Any person, firm or corporation violating any of the provisions of this
2 Article 10 or Article 11 shall be deemed guilty of a misdemeanor and upon conviction thereof shall
3 be fined in an amount not exceeding \$1,000.00 or be imprisoned for a period not exceeding six
4 months or be both so fined and imprisoned. Each day such a violation is committed or permitted to
5 continue shall constitute a separate offense and shall be punishable as such hereunder.

6 (f) Injunctive Relief. The City Attorney may maintain an action for injunctive relief to
7 cause, where possible, the complete or partial restoration or reconstruction of any building altered
8 or demolished in violation of this Article 10 or Article 11, or an abatement action to cause the
9 correction or removal of any violation of this Article 10 or Article 11.

10 SEC. 1014. PROPERTY OWNED BY PUBLIC AGENCIES.

11 SEC. 1014.1 City-Owned Historic Resources.

12 (a) All officials, boards, commissions, agencies and departments of the City shall
13 cooperate with the Historic Preservation Commission in carrying out the spirit and intent of this
14 Article.

15 (b) Except as otherwise provided in this Article, Certificates of Appropriateness under
16 the provisions of Section 1007 of this Article are required for all projects affecting historic
17 resources listed on the San Francisco Register which are owned, leased, or otherwise under the
18 jurisdiction or control of any City board, commission, agency or department, the agency, even if the
19 project is not subject to the permit review procedures of the City, provided that this requirement
20 shall not supersede, impair or modify provisions of the City Charter or laws governing the State of
21 California and the United States of America. All governmental bodies shall work cooperatively
22 with the Historic Preservation Commission to assure the appropriate treatment of historic
23 resources.

1 (c) City officials, boards, commissions, agencies and departments shall cooperate with
2 the Historic Preservation Commission in surveying and preparing architectural and historic
3 inventories and surveys of their properties.

4 SEC. 1014.2. Historic Resources Owned by Other Public Agencies.
5 The Historic Preservation Officer shall take appropriate steps to notify all other public agencies
6 which own, lease, may acquire, or have within their jurisdiction properties listed on the San
7 Francisco Register, about the existence and character of the historic resource and shall cause a
8 current record of such historic resources to be provided to each such public agency. In the case of
9 a proposed project affecting any historic resource listed on the San Francisco Register which is not
10 subject to the permit review procedures of the City or to the requirements to obtain a Certificate of
11 Appropriateness under this Article, the Historic Preservation Commission shall provide such
12 advice, consultation and assistance to the public agency as it may deem necessary or appropriate
13 based on the purposes and standards of this Article.

14 ~~SEC. 1015. COMPREHENSIVE SURVEY OF HISTORIC RESOURCES~~

15 ~~SEC. 1015.1. Comprehensive Survey Program Established.~~

16 An ongoing program to comprehensively survey all historic resources within the
17 boundaries of the City, including, without limitation, all historic resources owned by the City
18 and other local, state or federal entities, is hereby established in the Planning Department
19 under the direction of the Historic Preservation Commission.

20 ~~SEC. 1015.2. Implementation of Comprehensive Survey Program.~~

21 To implement and carry out the comprehensive survey program, the Historic Preservation
22 Officer shall have the following duties and responsibilities:

23 ~~(a) The Historic Preservation Officer shall develop and implement a~~
24 comprehensive plan for conducting historic resource surveys on a citywide basis, including

without limitation the adoption of context statements. The plan shall be subject to review and approval by the Historic Preservation Commission.

—— (b) — To further the implementation of the comprehensive survey program, the Historic Preservation Officer will work with interns and volunteers, and with nonprofit organizations that have access to private funding for the purpose of conducting historic resource surveys.

—— (c) — All surveys shall be conducted in conformance with state survey standards and procedures established by the State Office of Historic Preservation, using the criteria for landmarks, historic districts and contributing resources set forth in Section 1005.1 of this Article.

—— (d) — The Historic Preservation Officer shall oversee and manage all historic resource surveys required to be conducted by the City in connection with the environmental review of projects, plans or studies, including without limitation historic resource surveys performed in conjunction with the environmental review of projects pursuant to the California Environmental Quality Act, the National Environmental Protection Act and Section 106 of the National Historic Preservation Act, as well as any surveys performed in connection with general plan elements, area plans, community plans, rezoning plans or proposals, Redevelopment Area plans and studies, and any other land use plans or studies within the boundaries of the City or may assist in conducting any other historic resource surveys. The Environmental Review Officer shall be required to conduct all historic resource surveys and studies by and through the Historic Preservation Officer. All such survey activities shall be an integral part of the comprehensive survey program established by this Section.

—— (e) — The Historic Preservation Officer shall present the results of all surveys to the Historic Preservation Commission for review at a public hearing pursuant to

procedures adopted by the Historic Preservation Commission for this purpose, at the conclusion of which the Historic Preservation Commission shall adopt, adopt with modifications or disapprove the survey results. The decision of the Historic Preservation Commission shall be final.

(f) Following the adoption of a survey, the Historic Preservation Officer shall include the survey results on the San Francisco Inventory of Historic Resources established pursuant to Section 1015 of this Article and shall make the results of the survey available for use in the planning processes of City officials, departments, agencies and commissions, and other local, state and federal agencies as to their activities within the jurisdiction of the City.

(g) The Historic Preservation Officer shall forward all survey results to the State Office of Historic Preservation for integration into the statewide comprehensive historic preservation planning process including the State Historic Resources Database.

(h) All historic resource surveys that have been recognized, accepted or adopted by the Board of Supervisors; identified as having historic status in the General Plan; endorsed by the Planning Commission; or prepared by the Planning Department with funding through a federal grant administered by the State Office of Historic Preservation as of the date of enactment of this Article are and for all purposes shall be considered to be adopted historic resource surveys and included on the San Francisco Inventory of Historic Resources pursuant to Section 10151016 of this Article.

SEC. 4016.1015. SAN FRANCISCO INVENTORY OF HISTORIC RESOURCES.

SEC. 4016.41015.1. San Francisco Inventory Established.

(a) The Historic Preservation Commission shall maintain a list or compilation of identified historic resources that have been identified as worthy of preservation that but have not been designated pursuant to the provisions of this Article, as landmarks or contributing

resources or are not situated in designated historic districts pursuant to the provisions of this Article. Such list or compilation shall be known as the San Francisco Inventory of Historic Resources (hereinafter referred to as the "San Francisco Inventory").

(b) The San Francisco Inventory shall include, but not by limitation, all individual resources and districts, and contributing resources located in such districts, that, as of the effective date of this Article or at anytime thereafter, are: (1) listed individually or included in a district listed on the National Register of Historic Places or the California Register of Historical Resources; (2) included in surveys approved, adopted or endorsed by the Historic Preservation Commission; (3) identified as having historic status in the General Plan; (4) designated as California State Landmarks or Points of Historic Interest; (5) listed in the California Resources Inventory System (CHRISD) database maintained by the State Office of Historic Preservation as being eligible for listing in, or that appear eligible for listing in the National Register of Historic Places or the California Register of Historic Resources; (6) designated as Structures of Merit as of the effective date of this Article; (7) identified as having architectural, cultural, or historic significance in historic resource surveys, including without limitation, those conducted by San Francisco Architectural Heritage, which surveys that the City has approved, adopted or endorsed; (8) identified as "AS" in the 1976 Architectural Survey; (9) identified as architecturally, culturally, or historically significant in surveys conducted in connection with environmental review pursuant to the California Environmental Quality Act, the National Environmental Policy Act or Section 106 of the National Historic Preservation Act, where the City or the Historic Preservation Commission has approved, adopted or endorsed such survey or where the subject environmental review document is approved and certified by the city in connection with project approval; and (10) otherwise identified by the Historic Preservation Commission, Planning Commission or Board of Supervisors as having significance to the architectural or cultural history of San Francisco.

1 (c) The Historic Preservation Officer may remove a site or structure from the
2 Inventory if a written determination is issued finding that the site or structure has lost its
3 integrity through inappropriate additions and modifications.

4 (e) Any changes to or deletions from the Inventory shall be subject to prior review
5 by the Historic Preservation Commission.

6 SEC. 4016.2 1015.2. Maintenance and Use of San Francisco Inventory.

7 (a) The Historic Preservation Officer shall ~~may~~ take appropriate steps to maintain and
8 regularly update the San Francisco Inventory and to make it available for public review and use.

9 (b) The Historic Preservation Officer shall insure that the San Francisco Inventory, as it
10 is amended from time to time, is incorporated into the records and electronic database of the
11 Planning and Building Departments.

12 (c) The Historic Preservation Officer shall deliver a copy of the San Francisco
13 Inventory, as it is amended from time to time, to the Clerk of the Board of Supervisors and to all of
14 the City officials and departments listed in Section 1004(f) of this Article.

15 (d) The San Francisco Inventory is intended to be used as a planning tool to be taken
16 into consideration by the City departments, agencies and commissions in making decisions as to
17 projects and plans that may impact historic preservation, and the Historic Preservation
18 Commission may develop and implement guidelines and procedures for appropriate
19 review of projects that would alter or demolish properties included on the San Francisco
20 Inventory.

21 SEC. 4017-1016. PRESERVATION INCENTIVES.

22 The Historic Preservation Commission shall develop and implement incentives for
23 preservation of historic resources, which may include, but not by limitation, the following:

24 (a) Developing and implementing a program to require the Department of Building
25 Inspection to use the State Historical Building Code for all eligible projects, including but not by

limitation, for projects involving properties listed on the San Francisco Register or San Francisco Inventory;

(b) Promoting the use and implementation of Mills Act property-tax relief program (California Government Code Section 50280 et seq.) for owners of historic properties;

(c) Investigating the use by the City of the Marks Historical Rehabilitation Act for issuance of tax-exempt industrial development bonds;

(d) Promoting of the use of the federal historic rehabilitation tax credit program;

(e) Investigating and recommending additional historic preservation incentives, including without limitation, economic and tax incentives, acquisition of development rights, transfer of development rights, preservation easements, fee adjustments and negotiated agreements;

(f) Conferring recognition upon the owners of landmarks or the owners of sites, structures and objects within historic districts, and recognize and honor other historic preservation efforts in other areas of the City of San Francisco by means of certificates, plaques, markers, signage and awards;

(g) Exploring the use of available federal, State, local or private funding sources and mechanisms to promote and support historic preservation;

(h) Developing and recommending to the Mayor, Board of Supervisors, Planning Commission and other boards and commissions, a program of incentives for preservation of historic resources.

SEC. 40481017. RELATIONSHIP TO ARTICLE 11.

Buildings or areas within the C-3 District designated pursuant to the provisions of both Article 10 and Article 11 shall be regulated pursuant to the procedures of both Articles. In the case of conflict, the more restrictive provision shall control.

SEC. 4049 1018. SEVERABILITY.

1 If any section, subsection, subdivision, sentence, clause or phrase of this Article is for any
2 reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction,
3 such decision shall not affect the validity of the remaining portions of this Article 10 or any part
4 thereof. The Board of Supervisors hereby declares that it would have passed this ordinance and
5 adopted this Article and each section, subsection, subdivision, sentence, clause or phrase thereof,
6 irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses
7 or phrases be declared invalid or unconstitutional.
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[Creating an Historic Preservation Commission.]

CHARTER AMENDMENT

PROPOSITION ____

Describing and setting forth a proposal to the qualified voters of the City and County of San Francisco to amend the Charter of the City and County of San Francisco by amending Section 4.105 and adding Section 4.135 to establish an independent Historic Preservation Commission, appointed by the Mayor, subject to the approval of the Board of Supervisors and meeting certain specified qualifications, with authority to: recommend approval, disapproval or modification to the Board of Supervisors of landmark and significant or contributory building designations under the Planning Code and historical property contracts under Chapter 71 of the Administrative Code without referral to the Planning Commission; recommend approval, disapproval or modification to the Board of Supervisors of historic district and conservation district designations under the Planning Code with comment by the Planning Commission; approve, disapprove, or modify certificates of appropriateness to landmarks buildings or historic districts; approve, disapprove, or modify permits for major and minor alterations to significant or contributory buildings or conservation districts; recommend a Preservation Element of the General Plan to the Planning Commission; and take such other actions on matters as may be prescribed by ordinance; and establishing appeal provisions; requiring referral of certain matters; and establishing budget, fees, and staffing provisions.

The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 4, 2008, a proposal to amend the Charter of the City and County by amending Section 4.105 and adding Section 4.135 to read as follows:

Note: Additions are single-underline italics Times New Roman.
Deletions are ~~strikethrough italics Times New Roman~~.

SEC. 4.105. PLANNING COMMISSION.

GENERAL. The Planning Commission shall consist of seven members nominated and appointed pursuant to this section. Four of the members shall be nominated by the Mayor, and three of the members shall be nominated by the President of the Board of Supervisors. Charter Section 4.101 shall apply to these appointments, with particular emphasis on the geographic diversity of City neighborhoods. Vacancies shall be filled by the appointing officer.

Each nomination of the Mayor and the President of the Board of Supervisors is subject to approval by the Board of Supervisors, and shall be the subject of a public hearing and vote within 60 days. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors, the nominee shall be deemed approved. The appointment shall become effective on the date the Board adopts a motion approving the nomination or after 60 days of the date the nomination is transmitted to the Clerk of the Board of Supervisors.

Members may be removed by the appointing officer only pursuant to Section 15.105.

In order to stagger the terms, three members shall initially serve two-year terms, and four members shall initially service four-year terms. The initial two and four-year terms of office shall be instituted as follows:

1. The respective terms of office of members of the Planning Commission who hold office on the first day of July, 2002, shall expire at 12 o'clock noon on that date, and the four members appointed by the Mayor and the three members appointed by the President of the Board of Supervisors shall succeed to said offices at that time.

2. The Clerk of the Board of Supervisors shall determine by lot which two of the four Mayoral appointees shall serve an initial two-year term, and which one of the three appointees of the President of the Board of Supervisors shall serve an initial two-year term. The remaining appointees shall serve four-year terms. All subsequent terms shall be four years.

The Commission shall provide the Mayor with at least three qualified candidates for Director of Planning, selected on the basis of administrative and technical qualifications, with special regard for experience, training and knowledge in the field of City planning.

The Commission may contract with consultants for such services as it may require subject to the fiscal provisions of this Charter.

GENERAL PLAN. The Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan. If the Board of Supervisors fails to act within 90 days of receipt, the proposed General Plan or amendments shall be deemed approved. The General Plan which will initially consist of the Master Plan in effect immediately prior to the effective date of this Charter shall consist of goals, policies and programs for the future physical development of the City and County that take into consideration social, economic and environmental factors. In developing their recommendations, the Commission shall consult with commissions and elected officials, and shall hold public hearings as part of a comprehensive planning process. The Planning Department, in consultation with other departments and the City Administrator, shall periodically prepare special area, neighborhood and other plans designed to carry out the General Plan, and periodically prepare implementation programs and schedules which link the General Plan to the allocation of local, state and federal resources. The Planning Department may make such other reports and recommendations to the Mayor, Board of Supervisors and other offices and governmental units as it may deem necessary to secure understanding and a systematic effectuation of the General Plan.

In preparing any plans, the Planning Department may include plans for systems and areas within the Bay Region which have a planning relationship with the City and County.

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Planning Department regarding conformity with the General Plan:

1. Proposed ordinances and resolutions concerning the acquisition or vacation of property by, or a change in the use or title of property owned by, the City and County;
2. Subdivisions of land within the City and County;
3. Projects for the construction or improvement of public buildings or structures within the City and County;
4. Project plans for public housing, or publicly assisted private housing in the City and County;
5. Redevelopment project plans within the City and County; and
6. Such other matters as may be prescribed by ordinance.

The Commission shall disapprove any proposed action referred to it upon a finding that such action does not conform to the General Plan. Such a finding may be reversed by a vote of two-thirds of the Board of Supervisors.

All such reports and recommendations shall be issued in a manner and within a time period to be determined by ordinance.

PERMITS AND LICENSES. All permits and licenses dependent on, or affected by, the City Planning Code administered by the Planning Department shall be approved by the Commission prior to issuance. The Commission may delegate this approval function to the Planning Department. Notwithstanding the foregoing, certificates of appropriateness for work to designated landmarks and historic districts and applications for alterations to significant or contributory buildings or properties in designated conservation districts that have been approved, disapproved, or modified by the Historic Preservation Commission shall not require approval by the Commission prior to issuance.

ENFORCEMENT. The Planning Department shall administer and enforce the City Planning Code.

ZONING AMENDMENTS. The Commission may propose for consideration by the Board of Supervisors ordinances regulating or controlling the height, area, bulk, set-back,

location, use or related aspects of any building, structure or land. An ordinance proposed by the Board of Supervisors concerning zoning shall be reviewed by the Commission. Applications for the reclassification of property may be made by interested parties and must be reviewed by the Commission. Notwithstanding the foregoing, designation of a landmark, a significant or contributory building, an historic district, or a conservation district shall be reviewed by the Commission only as provided in Section 4.135.

Notwithstanding the Commission's disapproval of a proposal from the Board of Supervisors or the application of interested parties, the Board of Supervisors may adopt the proposed ordinance; however, in the case of any proposal made by the application of interested parties, any such adoption shall be by a vote of not less than two-thirds of the Board of Supervisors.

No application of interested parties proposing the same or substantially the same ordinance as that disapproved by the Commission or by the Board of Supervisors shall be resubmitted to or reconsidered by the Commission within a period of one year from the effective date of final action upon the earlier application.

ZONING ADMINISTRATOR. The director of planning shall appoint a Zoning Administrator from a list of qualified applicants provided pursuant to the Civil Service provisions of the Charter. The Zoning Administrator shall be responsible for the determination of all zoning variances. The administrator shall have the power to grant only those variances that are consistent with the general purpose and the intent of the zoning ordinance, and in accordance with the general and specific rules of the zoning ordinance, subject to such conditions and safeguards as the Zoning Administrator may impose. The power to grant variances shall be applied only when the plain and literal interpretation and enforcement of the zoning ordinance would result in practical difficulties, unnecessary hardships or where the results would be inconsistent with the general purpose of the zoning ordinance. Decisions of the Zoning Administrator regarding zoning variances may be appealed to the Board of Appeals.

Before any such variance may be granted, there shall appear, and the Zoning Administrator shall specify in his or her findings, the facts in each case which shall establish:

(a) That there are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same district or zone;

(b) That owing to such exceptional or extraordinary circumstances the literal enforcement of the zoning ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, possessed by other property in the same zone and vicinity;

(d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located; and

(e) That the granting of such variance will be in harmony with the general purpose and intent of the zoning ordinance and will not adversely affect the general plan.

The determination of the Zoning Administrator shall be final except that appeals therefrom may be taken, as hereinafter provided, to the Board of Appeals, exclusively and notwithstanding any other provisions of this Charter, by any person aggrieved or by any office, agency, or department of the City and County. An appeal from a determination of the Zoning Administrator shall be filed with the Board of Appeals within ten days from the date of such determination. Upon making a ruling or determination upon any matter under his or her jurisdiction, the Zoning Administrator shall thereupon furnish a copy thereof to the applicant and to the Director of Planning. No variance granted by the Zoning Administrator shall become effective until ten days thereafter. An appeal shall stay all proceedings in furtherance of the action appealed from.

CONDITIONAL USE. The Commission shall have the power to hear and decide conditional use applications. An appeal may be taken to the Board of Supervisors from a decision of the Commission to grant or deny a conditional use application. The Board of Supervisors may disapprove the decision of the Commission by a vote of not less than two-thirds of the members of the Board.

SEC. 4.135. HISTORIC PRESERVATION COMMISSION.

GENERAL. There is hereby created a Historic Preservation Commission, which shall advise the City on historic preservation matters, participate in processes that involve historic or cultural resources, and take such other actions concerning historic preservation as may be prescribed by ordinance. The Historic Preservation Commission shall consist of seven members nominated by the Mayor and subject to approval by a majority of the Board of Supervisors.

The term and tenure of all members sitting on the Landmarks Preservation Advisory Board, created under Article 10 of the Planning Code, as of the effective date of this section shall terminate on December 31, 2008. Of the original appointments to the Historic Preservation Commission, four shall be for a four-year term and three for a two-year term as follows: the odd-numbered seats shall be for four-year terms and the even-numbered seats shall be for two-year terms. After the expiration of the original terms, all appointments shall be for four-year terms, provided however, that a member may holdover until a successor has been nominated by the Mayor and approved by the Board of Supervisors. There shall be no limit on the number of terms a member may serve.

The original nominations shall be made no later than 31 days after the date of the election creating this section. If the Mayor fails to nominate an original appointment within said period, the nomination for the original appointment may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors.

Within 60 days of the expiration of a term or other vacancy the Mayor shall nominate a qualified person to fill the vacant seat for the term, or the remainder of the term, subject to approval by a majority of the Board of Supervisors who shall hold a public hearing and vote on the nomination within 60 days of the Mayor's transmittal of the nomination to the Clerk of the Board of Supervisors. If the Mayor fails to make such nomination within 60 days, the nomination may be made by the President of the Board of Supervisors, subject to the approval of a majority of the Board of Supervisors. The appointment shall become effective on the date the Board of Supervisors adopts a motion approving the nomination or after 60 days from the date the Mayor transmits the nomination to the Clerk of the Board of Supervisors if the Board of Supervisors fails to act.

Members may be removed by the appointing officer only pursuant to Section 15.105.

QUALIFICATIONS. In addition to the specific requirements set forth below, members of the Historic Preservation Commission shall be persons specially qualified by reason of interest, competence, knowledge, training and experience in the historic, architectural, aesthetic, and cultural traditions of the City, interested in the preservation of its historic structures, sites and areas, and residents of the City. Six of the members of the Historic Preservation Commission shall be specifically qualified in the following fields:

1. Seats 1 and 2: licensed architects meeting the Secretary of the Interior's Professional Qualifications Standards for historic architecture;

2. Seat 3: an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards for architectural history with specialized training and/or demonstrable experience in North American or Bay Area architectural history;

3. Seat 4: an historian meeting the Secretary of the Interior's Professional Qualifications Standards for history with specialized training and/or demonstrable experience in North American or Bay Area history;

4. . Seat 5: an historic preservation professional or professional in a field such as law, land use, community planning or urban design with specialized training and/or demonstrable experience in historic preservation or historic preservation planning.

5. Seat 6 shall be specially qualified in one of the following fields or in one of the fields set forth for Seats 1, 2, or 3:

a. A professional archeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archeology;

b. A real estate professional or contractor who has demonstrated a special interest, competence, experience, and knowledge in historic preservation;

c. A licensed structural engineer with at least four years of experience in seismic and structural engineering principals applied to historic structures; or

d. A person with training and professional experience with materials conservation.

Seat 7 shall be an at large seat subject to the minimum qualifications set forth above.

LANDMARK AND HISTORIC DISTRICT DESIGNATIONS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of landmark designations and historic district designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding landmarks designations to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall refer recommendations regarding historic district designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a landmark or historic district shall be final unless appealed to the Board of Supervisors.

CERTIFICATES OF APPROPRIATENESS. The Historic Preservation Commission shall approve, disapprove, or modify certificates of appropriateness for work to designated landmarks

or within historic districts. For minor alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any Certificate of Appropriateness before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern an individually landmarked property, the Planning Commission may modify any decision on a Certificate of Appropriateness by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a Certificate of Appropriateness by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission's or Planning Commission's decision on a Certificate of Appropriateness shall be final unless appealed to the Board of Appeals, which may modify the decision by a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

SIGNIFICANT OR CONTRIBUTORY BUILDING AND CONSERVATION DISTRICT DESIGNATIONS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of Significant or Contributory building and Conservation District designations under the Planning Code to the Board of Supervisors. The Historic Preservation Commission shall send recommendations regarding Significant or Contributory Buildings to the Board of Supervisors without referral or recommendation of the Planning Commission. The Historic Preservation Commission shall

refer recommendations regarding Conservation District designations to the Planning Commission, which shall have 45 days to review and comment on the proposed designation, which comments, if any, shall be forwarded to the Board of Supervisors together with the Historic Preservation Commission's recommendation. Decisions of the Historic Preservation Commission to disapprove designation of a Significant or Contributory building or Conservation District shall be final unless appealed to the Board of Supervisors.

ALTERATION OF SIGNIFICANT OR CONTRIBUTORY BUILDINGS OR BUILDINGS IN CONSERVATION DISTRICTS IN THE C-3 DISTRICTS. The Historic Preservation Commission shall have the authority to determine if a proposed alteration is a Major Alteration or a Minor Alteration. The Historic Preservation Commission shall have the authority to approve, disapprove, or modify applications for permits to alter or demolish designated Significant or Contributory buildings or buildings within Conservation Districts. For Minor Alterations, the Historic Preservation Commission may delegate this function to staff, whose decision may be appealed to the Historic Preservation Commission.

For projects that require multiple planning approvals, the Historic Preservation Commission must review and act on any permit to alter before any other planning approval action. For projects that (1) require a conditional use permit or permit review under Section 309, et seq., of the Planning Code and (2) do not concern a designated Significant (Categories I and II) or Contributory (Category III only) building, the Planning Commission may modify any decision on a permit to alter by a 2/3 vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

For projects that are located on vacant lots, the Planning Commission may modify any decision on a permit to alter by a two-thirds vote, provided that the Planning Commission shall apply all applicable historic resources provisions of the Planning Code.

The Historic Preservation Commission's or Planning Commission's decision on a permit to alter shall be final unless appealed to the Board of Appeals, which may modify the decision by

a 4/5 vote; provided, however, that if the project requires Board of Supervisors approval or is appealed to the Board of Supervisors as a conditional use, the decision shall not be appealable to the Board of Appeals, but rather to the Board of Supervisors, which may modify the decision by a majority vote.

MILLS ACT CONTRACTS. The Historic Preservation Commission shall have the authority to recommend approval, disapproval, or modification of historical property contracts to the Board of Supervisors, without referral or recommendation of the Planning Commission.

PRESERVATION ELEMENT OF THE GENERAL PLAN. The Historic Preservation Commission shall recommend to the Planning Commission a Preservation Element of the General Plan and shall periodically recommend to the Planning Commission proposed amendments to such Preservation Element of the General Plan. Other objectives, policies, and provisions of the General Plan and special area, neighborhood, and other plans designed to carry out the General Plan, and proposed amendments thereto, that are not contained within such Preservation Element but that concern historic preservation shall be referred to the Historic Preservation Commission for its comment and recommendations prior to action by the Planning Commission. When the Planning Commission recommends to the Board of Supervisors for approval or rejection proposed amendments to the General Plan that concern historic preservation, any recommendation or comments of the Historic Preservation Commission on such proposed amendments shall be forwarded to the Board of Supervisors for its information.

REFERRAL OF CERTAIN MATTERS. The following matters shall, prior to passage by the Board of Supervisors, be submitted for written report by the Historic Preservation Commission regarding effects upon historic or cultural resources; ordinances and resolutions concerning historic preservation issues and historic resources; redevelopment project plans; waterfront land use and project plans; and such other matters as may be prescribed by ordinance. If the Planning Commission is required to take action on the matter, the Historic

Preservation Commission shall submit any report to the Planning Commission as well as to the Board of Supervisors; otherwise, the Historic Preservation Commission shall submit any report to the Board of Supervisors.

OTHER DUTIES. For proposed projects that may have an impact on historic or cultural resources, the Historic Preservation Commission shall have the authority to review and comment upon environmental documents under the California Environmental Quality Act and the National Environmental Policy Act. The Historic Preservation Commission shall act as the City's local historic preservation review commission for the purposes of the Certified Local Government Program, may recommend properties for inclusion in the National Register of Historic Places, and may review and comment on federal undertakings where authorized under the National Historic Preservation Act. The Historic Preservation Commission shall review and comment upon any agreements proposed under the National Historic Preservation Act where the City is a signatory prior to any approval action on such agreement. The Historic Preservation Commission shall have the authority to oversee and direct the survey and inventory of historic properties.

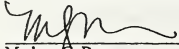
Once a quorum of members of the Historic Preservation Commission has been originally appointed and approved, the Historic Preservation Commission shall assume any powers and duties assigned to the Landmarks Preservation Advisory Board until the Municipal Code has been amended to reflect the creation of the Historic Preservation Commission.

BUDGET, FEES, DEPARTMENT HEAD, AND STAFF. The provisions of Charter subsections 4.102(3), 4.102(4), 4.102(5), and 4.102(6) shall not apply to the Historic Preservation Commission. The Historic Preservation Commission may review and make recommendations on the Planning Department budget and on any rates, fees, and similar charges with respect to appropriate items coming within the Historic Preservation Commission's jurisdiction to the department head of the Planning Department or the Planning Commission. The department head of the Planning Department shall assume the powers and duties that would

otherwise be executed by an Historic Preservation Commission department head. The Planning Department shall render staff assistance to the Historic Preservation Commission.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By:



Marlana G. Byrne
Deputy City Attorney

ARTICLE 10: PRESERVATION OF HISTORICAL ARCHITECTURAL AND AESTHETIC LANDMARKS

Sec. 1001.	Purposes.	Sec. 1007.	Unsafe or Dangerous Conditions.
Sec. 1002.	Powers and Duties of Department of City Planning and City Planning Commission.	Sec. 1008.	Compliance with Maintenance Requirements.
Sec. 1003.	Landmarks Preservation Advisory Board.	Sec. 1009.	Advice and Guidance to Property Owners.
Sec. 1004.	Designation of Landmarks and Historic Districts.	Sec. 1010.	Property Owned by Public Agencies.
Sec. 1004.1.	Initiation of Designation.	Sec. 1011.	Recognition of Structures of Merit.
Sec. 1004.2.	Referral to Landmarks Preservation Advisory Board.	Sec. 1013.	Enforcement and Penalties.
Sec. 1004.3.	Hearing by City Planning Commission.	Sec. 1014.	Applicability.
Sec. 1004.4.	Designation by Board of Supervisors.	Sec. 1015.	Severability.
Sec. 1004.5.	Appeal to Board of Supervisors.	Appendix A	List of Designated Landmarks.
Sec. 1004.6.	Notice of Designation by Board of Supervisors.	Appendix B	Jackson Square Historic District.
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Sec. 1005.	Conformity and Permits.	Appendix D	Northeast Waterfront Historic District.
Sec. 1006.	Certificate of Appropriateness Required.	Appendix E	Alamo Square Historic District.
Sec. 1006.1.	Applications for Certificate of Appropriateness.	Appendix F	Liberty-Hill Historic District.
Sec. 1006.2.	Review by Department of City Planning and City Planning Commission.	Appendix G	Telegraph Hill Historic District.
Sec. 1006.3.	Scheduling and Notice of Hearing.	Appendix H	Blackstone Court Historic District.
Sec. 1006.4.	Referral to Advisory Board Prior to Hearing.	Appendix I	South End Historic District.
Sec. 1006.5.	Conduct of Hearing; Decision.	Appendix J	Civic Center Historic District.
Sec. 1006.6.	Nature of Planning Commission Decision.	Appendix K	Bush Street-Cottage Row Historic District.
Sec. 1006.7.	Standards for Review of Applications.	Appendix L	Dogpatch Historic District.
Sec. 1006.8.	Appeals from Planning Commission Decision.		

SEC. 1001. PURPOSES.

It is hereby found that structures, sites and areas of special character or special historical, architectural or aesthetic interest or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further found that the prevention of such needless destruction and impairment is essential to the health, safety and general wel-

fare of the public. The purpose of this legislation is to promote the health, safety and general welfare of the public through:

(a) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, State or national history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;

(b) The development and maintenance of appropriate settings and environment for such structures, and in such sites and areas;

(c) The enhancement of property values, the stabilization of neighborhoods and areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of tourist trade and interest;

(d) The preservation and encouragement of a City of varied architectural styles, reflecting the distinct phases of its history: cultural, social, economic, political and architectural and

(e) The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs, by fostering knowledge of the living heritage of the past. (Added by Ord. 27-67, App. 1/26/67)

SEC. 1002. POWERS AND DUTIES OF DEPARTMENT OF CITY PLANNING AND CITY PLANNING COMMISSION.

The Department of City Planning (hereinafter referred to as the "Department") and the Planning Commission shall have and exercise the powers and shall perform the duties set forth in this Section and elsewhere in this Article 10 with respect to historical preservation. The Department and the Planning Commission shall be advised in the exercise and performance of their powers and duties by the Landmarks Preservation Advisory Board hereinafter created.

(a) The Planning Commission:

(1) Shall recommend to the Board of Supervisors, after public hearing, on the designation of landmarks and historic districts, as more fully set forth in Section 1004.3 below;

(2) Shall in appropriate cases, after public hearing, review and decide on applications for construction, alteration, demolition and other applications pertaining to landmark sites and historic districts, as more fully set forth below in this Article 10;

(3) May take steps to encourage or bring about preservation of structures or other features where the Planning Commission has decided to suspend action on an application, as more fully set forth in Section 1006.6 below; and

(4) May establish and maintain a list of structures and other features deemed deserving of official recognition although not designated as landmarks or historic districts, and take appropriate measures of recognition, as more fully set forth in Section 1011 below;

(b) The Department and the Planning Commission:

(1) May carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, sites and areas worthy of preservation;

(2) May consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historical preservation;

(3) May inspect and investigate structures, sites and areas which they have reason to believe worthy of preservation;

(4) May disseminate information to the public concerning those structures, sites and areas deemed worthy of preservation, and may encourage and advise property owners in the protection, enhancement, perpetuation and use of landmarks, property in historic districts, and other officially recognized property of historical interest;

(5) May consider methods other than those provided for in this Article 10 for encouraging and achieving historical preservation, and make appropriate recommendations to the Board of Supervisors and to other bodies and agencies, both public and private; and

(6) May establish such policies, rules and regulations as they deem necessary to administer and enforce this Article 10. (Amended by Ord. 222-72, App. 8/9/72)

SEC. 1003. LANDMARKS PRESERVATION ADVISORY BOARD.

There is hereby created a Landmarks Preservation Advisory Board (hereinafter referred to as the "Advisory Board"), which shall advise the Department and the Planning Commission on historical preservation matters. The Advisory Board shall consist of nine voting members appointed by the Mayor and serving at his pleasure, without salary. Of the original appointments, five shall be for a four-year term and four for a two-year term; after the expiration of the said original terms, all appointments shall be for four-year terms. In addition, the Art Commission shall choose one of its members to be an ex officio member of the Advisory Board, without vote.

(a) In making appointments, the Mayor may consult persons and organizations interested in historical preservation. Appointees to the Advisory board shall be persons specially qualified by reason of training or experience in the historic and cultural traditions of the City, and interested in the preservation of its historic structures, sites and areas. The voting members shall be residents of the City.

(b) The Director of City Planning, or his delegate, shall serve as Secretary of the Advisory Board, without vote. The Department shall render staff assistance to the Advisory Board.

(c) The Advisory Board shall elect a Chairman from among its voting members, and shall establish rules and regulations for its own organization and procedure. (Added Ord. 27-67, App. 1/26/67)

SEC. 1004. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.

(a) Pursuant to the procedures set forth hereinafter:

(1) The Board of Supervisors may, by ordinance, designate an individual structure or other feature or an integrated group of structures and

features on a single lot or site, having a special character or special historical, architectural or aesthetic interest or value, as a landmark, and shall designate a landmark site for each landmark; and

(2) The Board of Supervisors may, by ordinance, designate an area containing a number of structures having a special character or special historical, architectural or aesthetic interest or value, and constituting a distinct section of the City, as a historic district.

(b) Each such designating ordinance shall include, or shall incorporate by reference to the pertinent resolution of the Planning Commission then on file with the Clerk of the Board of Supervisors, as though fully set forth in such designating ordinance, the location and boundaries of the landmark site or historic district, a description of the characteristics of the landmark or historic district that justify its designation, and a description of the particular features that should be preserved. Any such designation shall be in furtherance of and in conformance with the purposes of this Article 10 and the standards set forth herein.

(c) The property included in any such designation shall upon designation be subject to the controls and standards set forth in this Article 10. In addition, the said property shall be subject to the following further controls and standards if imposed by the designating ordinance:

(1) For a publicly-owned landmark, review of proposed changes to significant interior architectural features.

(2) For a privately-owned landmark, review of proposed changes requiring a permit to significant interior architectural features in those areas of the landmark that are or historically have been accessible to members of the public. The designating ordinance must clearly describe each significant interior architectural feature subject to this restriction.

(3) For a historic district, such further controls and standards as the Board of Supervisors deems necessary or desirable, including but not limited to facade, setback and height controls.

(4) For a City-owned park, square, plaza or garden on a landmark site, review of alterations as identified in the designating ordinance.

(d) The Board of Supervisors may amend or rescind a designation at any time, subject to all of the procedures set forth in this Article 10 for an original designation; provided, however, that in the event that a landmark is accidentally destroyed or is demolished or removed in conformity with the provisions of Section 1007, or is legally demolished or relocated after compliance has been had with the provisions of Section 1006.2, the Director of Planning may request the Planning Commission to recommend to the Board of Supervisors that the designation be amended or rescinded, and in such case the procedures for an original designation set forth in Sections 1004.1, 1004.2 and 1004.3 hereof shall not apply. (Amended Ord. 112-71, App. 5/7/71; Ord. 327-99, File No. 991871, App. 12/23/99; Ord. 82-07, File No. 070021, App. 4/20/2007)

SEC. 1004.1. INITIATION OF DESIGNATION.

Initiation of designation shall be by the Board of Supervisors or by a resolution of intention by the Planning Commission, the Art Commission or the Advisory Board, or on the verified application of owners of the property to be designated or their authorized agents. Any such application shall be filed with the Department upon forms prescribed by the Planning Commission, and shall be accompanied by all data required by the Planning Commission. Where such an application is submitted for designation of a historic district, the application must be subscribed by or on behalf of at least 66 percent of the property owners in the proposed district. (Added Ord. 27-67, App. 1/26/67)

SEC. 1004.2. REFERRAL TO LANDMARKS PRESERVATION ADVISORY BOARD.

The proposed designation, resolution or application shall be promptly referred to the Advisory Board for review and report to the Planning Commission as to conformance with the purposes and standards of this Article 10. The

Advisory Board shall recommend approval, disapproval or modification of the proposal, or shall report its failure to reach a decision thereon, within 60 days after such referral. If no recommendation is rendered within 60 days, the Planning Commission may consider the proposed designation as provided in Section 1004.3 below notwithstanding the lack of such a recommendation. (Added Ord. 27-67, App. 1/26/67; Ord. 26-07, File No. 061068, App. 2/9/2007)

SEC. 1004.3. HEARING BY CITY PLANNING COMMISSION.

After receiving a report from the Advisory Board or after the expiration of 60 days from the date of referral to the Advisory Board, whichever is sooner, the Planning Commission shall hold a public hearing on the proposal; the Department shall set a time and place for such hearing. A record of pertinent information presented at the hearing shall be made and maintained as a permanent record.

(a) **Notice of Hearing.** Notice of the time, place and purpose of such hearing shall be given by at least one publication in a newspaper of general circulation in the City not less than 20 days prior to the date of hearing. Notice shall also be mailed not less than 10 days prior to the date of hearing to the owners of all property included in the proposed designation, using for this purpose the names and addresses of the last known owners as shown on the records of the Assessor. Failure to send notice by mail to any such property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Department may also give such other notice as it may deem desirable and practicable.

(b) **Time Limitation.** The Planning Commission shall consider the report and recommendation of the Advisory Board, if any, and shall consider the conformance or lack of conformance of the proposed designation with the purposes and standards of this Article 10. The Planning Commission shall hold a public hearing and shall approve, disapprove or modify the proposal within 90 days from the date of referral of the

proposed designation to the Advisory Board. Failure to act within said time shall constitute approval. The Board of Supervisors may, by resolution, extend the time within which the Planning Commission is to render its decision.

(c) **Notice of Action Taken.** The Planning Commission shall promptly notify the applicant of action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part, it shall transmit the proposal together with a copy of the resolution of approval, to the Clerk of the Board of Supervisors.

(d) In the event that a proposed designation has been initiated prior to July 18, 2006, and the Planning Commission has failed to act upon such proposed designation as of the effective date of this ordinance, the Board of Supervisors may act on the proposed designation notwithstanding the Planning Commission's failure to act on the proposed designation. (Added by Ord. 27-67, App. 1/26/67; Ord. 26-07, File No. 061068, App. 2/9/2007)

SEC. 1004.4. DESIGNATION BY BOARD OF SUPERVISORS.

The Board of Supervisors shall hold a public hearing on any proposal so transmitted to it, after due notice to the owners of the property included in the proposal, and such other notice as the said Board may deem necessary. The Board of Supervisors may approve, or modify and approve, the designation by a majority vote of all its members. (Added by Ord. 27-67, App. 1/26/67)

SEC. 1004.5. APPEAL TO BOARD OF SUPERVISORS.

If the Planning Commission disapproves the proposed designation, such action shall be final, except upon the filing of a valid appeal to the Board of Supervisors within 30 days by a protest subscribed by the owners of at least 20 percent of the property proposed to be designated, or by any governmental body or agency, or by an organization with a recognized interest in historical preservation; provided, however, that if the proposal was initiated by the Board of Supervisors, the

Clerk of the said Board shall be notified immediately of the disapproval without the necessity for an appeal.

(a) **Hearing.** The Board of Supervisors shall hold a public hearing on any such proposal appealed to it or initiated by it, after due notice to the owners of the property included in the proposal, and such other notice as the said Board may deem necessary.

(b) **Decision.** The Board of Supervisors may overrule the Planning Commission and approve, or modify and approve, the designation by a majority vote of all its members.

(c) **Resubmission, Reconsideration.** If a proposal initiated by application has been disapproved by the Planning Commission or by the Board of Supervisors on appeal, no subsequent application that is the same or substantially the same may be submitted or reconsidered for at least one year from the effective date of final action of the original proposal. (Added by Ord. 27-67, App. 1/26/67)

SEC. 1004.6. NOTICE OF DESIGNATION BY BOARD OF SUPERVISORS.

When a landmark or historic district has been designated by the Board of Supervisors as provided above, the Department shall promptly notify the owners of the property included therein. The Department shall cause a copy of the designating ordinance, or notice thereof, to be recorded in the office of the County Recorder. (Added by Ord. 27-67, App. 1/26/67)

SEC. 1004.7. NOTICE OF AMENDMENT OR RESCISSION OF DESIGNATION.

When a landmark or historic district designation has been amended or rescinded, the Department shall promptly notify the owners of the property included therein, and shall cause a copy of the appropriate ordinance, or notice thereof, to be recorded in the office of the County Recorder. (Added by Ord. 112-71, App. 5/7/71)

SEC. 1005. CONFORMITY AND PERMITS.

(a) No person shall carry out or cause to be carried out on a designated landmark site or in a designated historic district any construction, al-

teration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, for which a City permit is required, except in conformity with the provisions of this Article 10. In addition, no such work shall take place unless all other applicable laws and regulations have been complied with, and any required permit has been issued for said work.

(b) (1) Installation of a new general advertising sign is prohibited in any Historic District or on any historic property regulated by this Article 10.

(2) The Central Permit Bureau shall not issue, and no other City department or agency shall issue, any permit for construction, alteration, removal or demolition of a structure or any permit for work involving a sign, awning, marquee, canopy, mural or other appendage on a landmark site or in an Historic District, except in conformity with the provisions of this Article 10. In addition, no such permit shall be issued unless all other applicable laws and regulations have been complied with.

(c) (1) Where so provided in the designating ordinance for a historic district, any or all exterior changes visible from a public street or other public place shall require approval in accordance with the provisions of this Article 10, regardless of whether or not a City permit is required for such exterior changes. Such exterior changes may include, but shall not be limited to, painting and repainting; landscaping; fencing; and installation of lighting fixtures and other building appendages.

(2) The addition of a mural to any landmark or contributory structure in a historic district shall require compliance with the provisions of this Article 10, regardless of whether or not a City permit is required for the mural.

(3) Alterations to City-owned parks, squares, plazas or gardens on a landmark site, where the designating ordinance identifies such alterations, shall require approval in accordance with the provisions of this Article 10, regardless of whether or not a City permit is required.

(d) The Department shall maintain with the Central Permit Bureau a current record of designated landmarks and historic districts. Upon receipt of any application for a permit to carry out any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, on a landmark site or in a historic district, the Central Permit Bureau shall, unless the structure or feature concerned has been declared unsafe or dangerous pursuant to Section 1007 of this Article 10, promptly forward such permit application to the Department.

(e) After receiving a permit application from the Central Permit Bureau in accordance with the preceding subsection, the Department shall ascertain whether Section 1006 requires a Certificate of Appropriateness for the work proposed in such permit application. If such Certificate is required and has been issued, and if the permit application conforms to such Certificate, the permit application shall be processed without further reference to this Article 10. If such Certificate is required and has not been issued, or if in the sole judgment of the Department the permit application does not so conform, the permit application shall be disapproved or held by the Department until such time as conformity does exist; the decision and action of the Department shall be final. Notwithstanding the foregoing, in the following cases the Department shall process the permit application without further reference to this Article 10:

(1) When the application is for a permit to construct on a landmark site where the landmark has been lawfully demolished and the site is not within a designated historic district;

(2) When the application is for a permit to make interior alterations only on a privately-owned structure or on a publicly-owned structure, unless the designating ordinance requires review of such alterations to the privately- or publicly-owned structure pursuant to Section 1004(c) hereof;

(3) When the application is for a permit to do ordinary maintenance and repairs only. For the purpose of this Article 10, "ordinary maintenance

nance and repairs" shall mean any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster;

(4) When the application is for a permit to comply with the UMB Seismic Retrofit Ordinances and the Zoning Administrator determines that the proposed work complies with the UMB Retrofit Architectural Design Guidelines, which guidelines shall be adopted by the Planning Commission.

(f) For purposes of this Article 10, demolition shall be defined as any one of the following:

(1) Removal of more than 25 percent of the surface of all external walls facing a public street(s); or

(2) Removal of more than 50 percent of all external walls from their function as all external walls; or

(3) Removal of more than 25 percent of external walls from function as either external or internal walls; or

(4) Removal of more than 75 percent of the building's existing internal structural framework or floor plates unless the City determines that such removal is the only feasible means to meet the standards for seismic load and forces of the latest adopted version of the San Francisco Building Code and the State Historical Building Code.

(g) The following procedures shall govern review of the addition of murals to any landmark or contributory structure in a historic district:

(1) Where the mural is proposed to be added to a landmark or contributory structure in a historic district, located on property owned by the City, no Certificate of Appropriateness shall be required. On such structures, the Art Commission shall not approve the mural until the Advisory Board has provided advice to the Art Commission on the impact of the mural on the historical structure. The Advisory Board shall provide advice to the Art Commission within 50 days of receipt of a written request for advice and information regarding the placement, size and location of the proposed mural;

(2) Where the mural is proposed to be added to a landmark or contributory structure in a historic district, located on property that is not owned by the City, a Certificate of Appropriateness shall be required. The Advisory Board shall not act on the Certificate of Appropriateness until the Art Commission has provided advice to the Advisory Board on the mural. The Art Commission shall provide advice to the Advisory Board within 50 days of receipt of a written request for advice and information regarding the proposed mural. (Amended by Ord. 222-72, App. 8/9/72; Ord. 227-92, App. 7/14/92; Ord. 97-96, App. 3/6/96; Ord. 249-96, App. 6/19/96; Ord. 327-99, File No. 991871, App. 12/23/99; Ord. 140-06, File 052921, App. 6/22/2006; Ord. 82-07, File No. 070021, App. 4/20/2007)

SEC. 1006. CERTIFICATE OF APPROPRIATENESS REQUIRED.

In the case of:

(1) Any construction, alteration, removal or demolition of a structure or any work involving a sign, awning, marquee, canopy, mural (as set forth in Planning Code Section 1005(g), or other appendage, for which a City permit is required, on a landmark site or in a historic district;

(2) Exterior changes in a historic district visible from a public street or other public place, where the designating ordinance requires approval of such changes pursuant to the provisions of this Article 10; and

(3) The addition of a mural to any landmark or contributory structure in a historic district, which is not owned by the City or located on property owned by the City, as set forth in Planning Code Section 1005(g), regardless of whether or not a City permit is required for the mural; and

(4) Alterations to City-owned parks, squares, plazas or gardens on a landmark site, where the designating ordinance identifies the alterations that require approval under this Article 10.

A Certificate of Appropriateness shall be required and shall govern review of permit applications as provided in Sections 1005(e) and 1005(g), except in the specific cases set forth in

Section 1005(e). The procedures, requirements, controls and standards in Sections 1006 through 1006.8 shall apply to all applications for Certificates of Appropriateness; provided, however, that the designating ordinance for a historic district, or for a City-owned park, square, plaza or garden on a landmark site, may modify or add to these procedures, requirements, controls and standards. (Amended by Ord. 222-72, App. 8/9/72; Ord. 249-96, App. 6/19/96; Ord. 327-99, File No. 991871, App. 12/23/99)

SEC. 1006.1. APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS.

(a) **Who May Apply.** An application for a Certificate of Appropriateness may be filed by the owner, or authorized agent for the owner, of the property for which the Certificate is sought.

(b) **Where to File.** Applications shall be filed in the office of the Department of City Planning.

(c) **Content of Applications.** The content of applications shall be in accordance with the policies, rules and regulations of the Department and the City Planning Commission. All applications shall be upon forms prescribed therefor, and shall contain or be accompanied by all information required to assure the presentation of pertinent facts for proper consideration of the case and for the permanent record. In general, the application shall be accompanied by plans and specifications showing the proposed exterior appearance, including but not limited to color, texture of materials, and architectural design and detail; drawings or photographs showing the property in the context of its surroundings may also be required. The applicant may be required to file with his application the information needed for the preparation and mailing of notices as specified in Section 1006.3.

(d) **Verification.** Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented.

(e) **Conditional Uses.** In the case of any proposal for which the City Planning Code requires a conditional use authorization in addition to a Certificate of Appropriateness, the Department may combine the required applications, notices and hearings for administrative convenience and in the interests of the applicant and the public, to the extent deemed feasible and desirable by the Department. (Amended by Ord. 223-72, App. 8/9/72)

SEC. 1006.2. REVIEW BY DEPARTMENT OF CITY PLANNING AND CITY PLANNING COMMISSION.

(a) **Cases Other Than Construction, Removal or Demolition.**

(1) In the case of any alteration of a structure or any work involving a sign, awning, marquee, canopy or other appendage, or exterior changes in a historic district visible from a public street or other public place, or alterations to a City-owned park, square, plaza or garden on a landmark site, where a Certificate of Appropriateness is required, the application for said Certificate shall be reviewed by the Department with the advice of the Advisory Board. The Department, with the advice of the Advisory Board, shall determine within 20 days after the application is accepted for filing, whether or not the proposal would have a significant impact upon, or is potentially detrimental to, the landmark site or historic district; and the Department shall notify the applicant of the determination made. If it is determined that there would be no such significant impact or potential detriment, the Department shall issue a Certificate of Appropriateness to the applicant.

(2) If it is determined that the proposal would have a significant impact upon, or is potentially detrimental to, the landmark site or historic district, or upon request of the Planning Commission, the Planning Commission shall hold a public hearing on the application.

(b) **Construction, Removal or Demolition.** The Planning Commission shall hold a public hearing on the application for a Certificate of Appropriateness for any construction,

removal or demolition of a structure, except as may be otherwise provided in the designating ordinance for a historic district or for City-owned park, square, plaza or garden on a landmark site. (Amended by Ord. 222-72, App. 8/9/72; Ord. 327-99, File No. 991871, App. 12/23/99)

SEC. 1006.3. SCHEDULING AND NOTICE OF HEARING.

When an application for a Certificate of Appropriateness has been filed and Section 1006.2 provides that the Planning Commission shall hold a public hearing thereon, the Department shall set a time and place for said hearing within a reasonable period. Notice of the time, place and purpose of the hearing shall be given by the Department as follows:

- (a) By mail to the applicant;
- (b) By mail not less than 10 days prior to the date of the hearing to the owners of all real property that is the subject of the application and, if said property is in a historic district, to the owners of all real property within the historic district, using for this purpose the names and addresses of the owners as shown on the latest citywide assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;
- (c) By publication at least once in a newspaper of general circulation in the City not less than 20 days prior to the date of the hearing;
- (d) Such other notice as the Department shall deem appropriate. (Amended by Ord. 222-72, App. 8/9/72)

SEC. 1006.4. REFERRAL TO ADVISORY BOARD PRIOR TO HEARING.

Where a public hearing before the Planning Commission has been scheduled thereon, the application for a Certificate of Appropriateness shall be promptly referred to the Advisory Board and shall be considered by the Advisory Board at its next regular meeting, or at a special meeting called for that specific purpose. The Advisory

Board shall render a report to the Planning Commission at or prior to the scheduled public hearing; failure of the Advisory Board to consider the application or to render a report shall not constitute grounds for continuation of the public hearing. (Amended by Ord. 222-72, App. 8/9/72)

SEC. 1006.5. CONDUCT OF HEARING; DECISION.

Where a public hearing before the Planning Commission has been scheduled:

- (a) **Report and Recommendation.** The Department shall make necessary investigations and studies prior to the hearing of the Planning Commission. The report and recommendation of the Director of Planning shall be submitted at the hearing.
- (b) **Record.** A record shall be kept of the pertinent information presented at the hearing, and such record shall be maintained as a part of the permanent public records of the Department. A verbatim record may be made if permitted or ordered by the Planning Commission.
- (c) **Continuations.** The Planning Commission shall determine the instances in which cases scheduled for hearing may be continued or taken under advisement. In such cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.
- (d) **Decision.** The decision of the Planning Commission shall be rendered within 30 days from the date of conclusion of the hearing; failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval of the application. The decision of the Planning Commission, in either approving or disapproving the application pursuant to Section 1006.6, shall be final except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 1006.8. The decision of the Planning Commission, in suspending action on an application pursuant to Section 1006.6, shall be final. If the Planning Commission, or the Board of Supervisors on appeal, approves the application, or after the expiration of any suspension period imposed

by the Commission, the Department shall issue a Certificate of Appropriateness to the applicant.

(e) **Time Limit for Exercise.** When approving an application for a Certificate of Appropriateness as provided herein the Planning Commission may impose a time limit for submission of a permit application conforming to the Certificate; otherwise, such permit application must be submitted within a reasonable time.

(f) **Delegation of Hearing.** The Planning Commission may delegate to a committee of one or more of its members, or to the Director of Planning or his designee, or to the Advisory Board, or to any combination of the foregoing, the holding of the hearing required by this Article 10 for a Certificate of Appropriateness. The delegate or delegates shall submit to the Planning Commission a record of the hearing, together with a report of findings and recommendations relative thereto, for the consideration of the Commission in reaching its decision in the case.

(g) **Reconsideration.** Whenever an application has been disapproved by the Planning Commission, or by the Board of Supervisors on appeal as described in Section 1006.8, no application, the same or substantially the same as that which was disapproved, shall be resubmitted to or reconsidered by the Planning Commission within a period of one year from the effective date of final action upon the earlier application. (Amended by Ord. 222-72, App. 8/9/72)

SEC. 1006.6. NATURE OF PLANNING COMMISSION DECISION.

The decision of the Planning Commission after its public hearing shall be in accordance with the following provisions:

(a) If the application for a Certificate of Appropriateness proposes construction or alteration of a structure or any work involving a sign, awning, marquee, canopy, mural or other appendage, or exterior changes in a historic district visible from a public street or other public place, the Planning Commission shall approve or disapprove the application in whole or in part.

(b) If the application proposes removal or demolition of a structure on a designated landmark site, the Planning Commission may disapprove or approve the application, or may suspend action on it for a period not to exceed 180 days; provided that the Board of Supervisors by resolution may, for good cause shown, extend the suspension for an additional period not to exceed 180 days, if the said Board acts not more than 90 days and not less than 30 days prior to the expiration of the original 180-day period.

(c) If the application proposes removal or demolition of a structure in a designated historic district, other than on a designated landmark site, the Planning Commission may disapprove or approve the application, or may suspend action on it for a period not to exceed 90 days, subject to extension by the Board of Supervisors as provided in the preceding subsection; provided, however, that the designating ordinance for the historic district may authorize the suspension of action for an alternate period which shall in no event exceed 90 days, without extension, and in such event the provision of the designating ordinance shall govern.

(d) In the event action on an application to remove or demolish a structure is suspended as provided in this Section, the Planning Commission, with the advice and assistance of the Advisory Board, may take such steps as it determines are necessary to preserve the structure concerned, in accordance with the purposes of this Article 10. Such steps may include, but shall not be limited to, consultations with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features. (Added by Ord. 222-72, App. 8/9/72; amended by Ord. 97-96, App. 3/6/96; Ord. 249-96, App. 6/19/96)

SEC. 1006.7. STANDARDS FOR REVIEW OF APPLICATIONS.

The Planning Commission, the Department, and the Advisory Board shall be guided by the standards in this Section in their review of applications for Certificates of Appropriateness

for proposed work on a landmark site or in a historic district. In appraising the effects and relationships mentioned herein, the Planning Commission, the Department and the Advisory Board shall in all cases consider the factors of architectural style, design, arrangement, texture, materials, color, and any other pertinent factors.

(a) The proposed work shall be appropriate for and consistent with the effectuation of the purposes of this Article 10.

(b) For applications pertaining to landmark sites, the proposed work shall preserve, enhance or restore, and shall not damage or destroy, the exterior architectural features of the landmark and, where specified in the designating ordinance pursuant to Section 1004(c), its major interior architectural features. The proposed work shall not adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting, nor of the historic district in applicable cases.

(c) For applications pertaining to property in historic districts, other than on a designated landmark site, any new construction, addition or exterior change shall be compatible with the character of the historic district as described in the designating ordinance; and, in any exterior change, reasonable efforts shall be made to preserve, enhance or restore, and not to damage or destroy, the exterior architectural features of the subject property which are compatible with the character of the historic district. Notwithstanding the foregoing, for any exterior change where the subject property is not already compatible with the character of the historic district, reasonable efforts shall be made to produce compatibility, and in no event shall there be a greater deviation from compatibility. Where the required compatibility exists, the application for a Certificate of Appropriateness shall be approved.

(d) For applications pertaining to all property in historic districts, the proposed work shall also conform to such further standards as may be embodied in the ordinance designating the historic district.

(e) For applications pertaining to the addition of murals on a landmark or contributory structure in a historic district, the Advisory Board and the Planning Commission shall consider only the placement, size and location of the mural, to determine whether the mural covers or obscures significant architectural features of the landmark or contributory structure. For purposes of review under this Article 10, the City shall not consider the content or artistic merit of the mural. (Amended by Ord. 41-73, App. 2/1/73; Ord. 249-96, App. 6/19/96; Ord. 82-07, File No. 070021, App. 4/20/2007)

SEC. 1006.8. APPEALS FROM PLANNING COMMISSION DECISION.

(a) **Right of Appeal.** The action of the Planning Commission in approving or disapproving in whole or in part an application for a Certificate of Appropriateness shall be subject to appeal to the Board of Supervisors in accordance with this Section. An action of the Commission so appealed from shall not become effective unless and until approved by the Board of Supervisors in accordance with this Section. Nothing in this Section shall be construed to authorize the appeal of any decision under Section 1006.6 of this Article 10 to suspend action on an application.

(b) **Notice of Appeal.** Any appeal under this Section shall be taken by filing written notice of appeal with the Board of Supervisors within 30 days after the date of action by the Planning Commission. In the case of a historic district, the notice of appeal shall be subscribed by the owners of at least 20 percent of the property affected by the proposed Certificate of Appropriateness; for the purposes of this calculation, the property affected shall be deemed to be all property within the historic district. In the case of a landmark not in a historic district, the notice of appeal shall be subscribed by the property owner, or by any governmental body or agency, or by an organization with a recognized interest in historical preservation.

(c) **Hearing.** Upon the filing of such written notice of appeal so subscribed, the Board of Supervisors or the Clerk thereof shall set a time and place for hearing such appeal, which shall be

not less than 10 nor more than 30 days after such filing. The Board of Supervisors must decide such appeal within 30 days of the time set for the hearing thereon; provided that, if the full membership of the Board is not present on the last day on which said appeal is set or continued for hearing within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided, further, that the latest date to which said hearing and decision may be so postponed shall be not more than 90 days from the date of filing of the appeal. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the Planning Commission.

(d) **Decision.** In acting upon any such appeal, the Board of Supervisors may disapprove the action of the Planning Commission only by a vote of not less than of all members of the Board.

(e) **Decisions Affecting City Hall.** The provisions of this Subsection shall govern decisions by the City Planning Commission on a Certificate of Appropriateness for alteration work to be done at City Hall, in lieu of any other provision set forth above. Upon the approval or disapproval by the City Planning Commission of a Certificate of Appropriateness for alteration of City Hall, the Secretary of the City Planning Commission shall transmit to the Clerk of the Board of Supervisors written notification of the Commission's decision. The Clerk shall set a time and place for hearing on the decision, which shall be not less than 10 nor more than 30 days after receipt of such notification. The Board of Supervisors may either approve, disapprove, or modify the Commission's decision by majority vote. The Board of Supervisors must take this action within 30 days of the time set for the hearing thereon, provided that, if the full membership of the Board is not present on the last day on which said hearing is set or continued within said period, the Board may postpone said hearing and decision thereon until, but not later than, the full membership of the Board is present; provided further, that the latest date to which said hearing and decision may be so postponed

shall be not more than 90 days from the date of the receipt of written notification. Failure of the Board of Supervisors to act within such time limit shall be deemed to constitute approval by the Board of the action of the City Planning Commission. (Amended by Ord. 222-72, App. 8/9/72; Ord. 163-87, App. 5/14/87)

SEC. 1007. UNSAFE OR DANGEROUS CONDITIONS.

None of the provisions of this Article 10 shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the proposed measures have been declared necessary, by such official, to correct the said condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall be damaged by fire, or other calamity, or by Act of God or by the public enemy, to such an extent that in the opinion of the aforesaid officials it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws. (Added by Ord. 27-67, App. 1/26/67)

SEC. 1008. COMPLIANCE WITH MAINTENANCE REQUIREMENTS.

The owner, lessee or other person in actual charge of a landmark, or of a structure in an historic district, shall comply with all applicable codes, laws and regulations governing the maintenance of the property. It is the intent of this Section to preserve from deliberate or inadvertent neglect the exterior portions of such landmark or structure, the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof

whose maintenance is necessary to prevent deterioration and decay of any exterior portion. (Amended by Ord. 222-72, App. 8/9/72)

SEC. 1009. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

The Advisory Board may, upon request of the property owner, render advice and guidance with respect to any proposed work for which a Certificate of Appropriateness is not required, on a designated landmark site or in a designated historic district. In rendering such advice and guidance, the Advisory Board shall be guided by the purposes and standards in this Article 10. This Section shall not be construed to impose any regulations or controls upon any property. (Amended by Ord. 222-72, App. 8/9/72)

SEC. 1010. PROPERTY OWNED BY PUBLIC AGENCIES.

(a) The Department shall take appropriate steps to notify all public agencies which own or may acquire property in the City, about the existence and character of designated landmarks and historic districts; if possible, the Department shall cause a current record of such landmarks and districts to be maintained in each such public agency. In the case of any publicly owned property on a landmark site or in a historic district which is not subject to the permit review procedures of the City, the agency owning the said property shall seek the advice of the Planning Commission prior to approval or authorization of any construction, alteration or demolition thereon; and the Planning Commission, with the aid of the Advisory Board and in consultation with the Art Commission in appropriate cases, shall render a report to the owner as expeditiously as possible, based on the purposes and standards in this Article 10. If Planning Commission review of a public project involving construction, alteration or demolition on a landmark site or in a historic district is required under any other law, or under the Charter, the Planning Commission shall render the report referred to in this Section to such public agency without specific request therefor.

(b) All officers, boards, commissions and departments of the City shall cooperate with the Advisory Board and the Planning Commission in carrying out the spirit and intent of this Article 10.

(c) Nothing in this Article 10 shall be construed to impose any regulations or controls upon designated landmarks owned or controlled by the Golden Gate Bridge Highway and Transportation District. (Added by Ord. 27-67, App. 1/26/67; amended by Ord. 244-98, App. 7/31/98)

SEC. 1011. RECOGNITION OF STRUCTURES OF MERIT.

(a) The Advisory Board may recommend, and the Planning Commission may approve, a list of structures of historical, architectural or aesthetic merit which have not been designated as landmarks and are not situated in designated historic districts. The said list may be added to from time to time. The purpose of this list shall be to recognize and encourage the protection, enhancement, perpetuation and use of such structures. The Advisory Board and the Planning Commission shall maintain a record of historic structures in the City which have been officially designated by agencies of the State or federal government, and shall cause such structures to be added to the aforesaid list.

(b) Nothing in this Article 10 shall be construed to impose any regulations or controls upon such structures of merit included on the said list and neither designated as landmarks nor situated in historic districts.

(c) The Planning Commission, with the advice of the Advisory Board, may authorize such steps as it deems desirable to recognize the merit of, and to encourage the protection, enhancement, perpetuation and use of any such listed structure, or of any designated landmark or any structure in a designated historic district, including but not limited to the issuance of a certificate of recognition and the authorization of a plaque to be affixed to the exterior of the structure; and the Planning Commission shall cooperate with appropriate State and federal agencies in such efforts.

(d) The Planning Commission, with the advice of the Advisory Board, may make recommendations to the Board of Supervisors and to any other body or agency responsible, to encourage giving names pertaining to San Francisco history to streets, squares, walks, plazas and other public places. (Added by Ord. 27-67, App. 1/26/67)

SEC. 1013. ENFORCEMENT AND PENALTIES.

(a) **Duty to Administer and Enforce.** It shall be the duty of the Director of Planning, or his delegate, to administer and enforce the provisions of this Article 10. Upon request, the Bureau of Building Inspection shall assist the Director of Planning in the performance of this duty.

(b) **Inspection of Premises.** In the performance of his duties, the Director of Planning and employees of the Department properly authorized to represent him shall have the right to enter any building or premises for the purposes of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(c) **Methods of Enforcement.** In addition to the regulations of this Article 10, other Articles of this Code and provisions of the Charter which govern the approval or disapproval of applications for building permits or other permits or licenses affecting the use of land or buildings, the Director of Planning shall have the authority to implement the enforcement thereof by any of the following means:

(1) He may serve notice requiring the removal of any violation of this Article 10 upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation;

(2) He may call upon the District Attorney to institute any necessary legal proceedings to enforce the provisions of this Article 10, and the District Attorney is hereby authorized to institute appropriate actions to that end;

(3) He may call upon the Chief of Police and his authorized agents to assist in the enforcement of this Article 10.

In addition to any of the foregoing remedies, the City Attorney may maintain an action for injunction to restrain or abatement to cause the correction or removal of any violation of this Article 10, or for a mandatory injunction in appropriate cases.

(d) **Penalties.** Any person, firm or corporation violating any of the provisions of this Article 10 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$500 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned. Each day such a violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Added Ord. 27-67, App. 1/26/67)

SEC. 1014. APPLICABILITY.

(a) No application for a permit to construct, alter or demolish any structure or other feature on a landmark site or in a historic district, filed subsequent to the day that an application has been filed or a resolution adopted to initiate designation of the said landmark site or historic district, shall be approved by the Department while proceedings are pending on such designation; provided however, that after 180 days have elapsed from the date of initiation of said designation, if final action on such designation has not been completed, the permit application may be approved.

(b) The provisions of this Article 10 shall be inapplicable to the construction, alteration or demolition of any structure or other feature on a landmark site or in a historic district, where a permit for the performance of such work was issued prior to the effective date of the designation of the said landmark site or historic district, and where such permit has not expired or been cancelled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code. (Added Ord. 27-67, App. 1/26/67)

SEC. 1015. SEVERABILITY.

If any Section, Subsection, Subdivision, Paragraph, sentence, clause or phrase of this Article 10 or any part thereof, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Article 10 or any part thereof. The Board of Supervisors hereby declares that it would have passed each Section, Subsection, Subdivision, Paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more Sections, Subsections, Subdivisions, Paragraphs, sentences, clauses or phrases be declared unconstitutional. (Added Ord. 27-67, App. 1/26/67)

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, April 2, 2009

2:00 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAR 27 2009

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;

Hisashi Sugaya

SAN FRANCISCO
PUBLIC LIBRARY

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
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Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

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For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sofi@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

2:00 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

1. 2009.0041C (C. JAROSLAWSKY: (415) 558-6348)
1351 TARAVAL STREET - south side of Taraval Street, between 23rd and 24th Avenues, Block 2402, Lot 026 - **Request for Conditional Use Authorization** under Planning Code Sections 711.1 and 303 to allow a small, self-serve restaurant within an NC-2 District.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

2. Commission Comments/Questions
 - Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

3. Director's Announcements
4. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

G. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

5. 2006.0203E (C. DOVZAK: (415) 575-9030)
SAN ANDREAS PIPELINE NO.3 INSTALLATION PROJECT - San Pedro Valve Lot (SPVL) in Daly City to Merced Manor Reservoir (MMR) in San Francisco. **Certification of the Final Environmental Impact Report** - The San Francisco Public Utilities Commission (SFPUC) is sponsoring a proposed project that requires the installation of approximately 23,400 feet (4.4 miles) of new pipeline to extend the existing San Andreas Pipeline No. 3 (SAPL3) from the San Pedro Valve Lot (SPVL) in Daly City to Merced Manor Reservoir (MMR) in San Francisco. For approximately half its length, the pipeline would follow the alignment of the abandoned Baden Merced Pipeline. Where the proposed SAPL 3 alignment differs from the existing BMPL alignment, the BMPL would either be filled with a concrete slurry mixture or would be capped. The alignment follows city streets, except in two locations (the San Francisco Golf Club and the Lake Merced Golf Club). The Project would be constructed using the open-trench method ("cut and cover") for most of the pipeline and a trenchless ("jack and bore") method at high-traffic intersections (at John Daly Boulevard and Sheffield Drive in Daly City, at 19th Avenue and Crespi/Holloway Avenue in San Francisco, and at 19th Avenue and Eucalyptus Drive in San Francisco). In addition to the pipeline main, the Project also includes the installation of crossover pipelines, five customer service connections, various underground vaults, appurtenances, and a cathodic protection system.
Preliminary Recommendation: Certify the Environmental Impact Report
Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on January 28, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.

H. REGULAR CALENDAR

6. 2009.0061C (M. SMITH: (415) 558-6322)
1511 SLOAT BOULEVARD - south side between Everglade and Clearfield Drives, Lot 002 in Assessor's Block 7255 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 780.44 to establish a new small, self-service restaurant (d.b.a. "Nubi Yogurt") in the tenant space previously occupied by "T-Mobile" within the Lakeshore Plaza Shopping Center, located within a NCS (Neighborhood Commercial Shopping Center) District, the Lakeshore Plaza Special Use District, and a 26 - 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of March 5, 2009)
Note: On March 5, 2009, following public testimony the Commission continued the matter to April 2, 2009, to encourage a representative on behalf of the property management of the Lakeshore Plaza Shopping Center to attend the hearing, by a vote of +7 -0. The public hearing remains open.
- 7a. 2005.0876KECV (D. SÁNCHEZ: (415) 575-9082)
345 6TH STREET - southeast corner of 6th Street and Shipley Street; Lot 081 in Assessor's Block 3753 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 157, 175.6(e)(1), 261.1, 263.11, 271, and 303 to allow to

demolish a one story, 3,000 gross square foot vacant office building and construct a 5-story, 54 foot tall mixed-use development. The project proposes 36 residential units, 3,000 square feet of ground floor commercial space, 19 off street parking spaces and 5 below market rate units. The subject property is utilizing Planning Code Section 175.6 to seek approvals under the Residential/Service Mixed Use (RSD) Zoning District and a 40-X/85-B Height and Bulk District as an Eastern Neighborhoods pipeline project. Under the Eastern Neighborhoods Zoning the property is within the Mixed Used Residential (MUR) Zoning District and an 85-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions

- 7b. 2005.0876KECV (D. SANCHEZ: (415) 575-9082)
345 6TH STREET - southeast corner of 6th Street and Shipley Street; Lot 081 in Assessor's Block 3753 - **Request for Variances**, pursuant to Planning Code Sections 134(e) and 307(g) to modify the rear yard requirement in the Residential/Service Mixed Use District. The project proposes 36 residential units, 3,000 square feet of ground floor commercial space, 19 off street parking spaces and 5 below market rate units. The subject property is utilizing Planning Code Section 175.6 to seek approvals under the Residential/Service Mixed Use (RSD) Zoning District and a 40-X/85-B Height and Bulk District as an Eastern Neighborhoods pipeline project.
8. 2008.0733C (A. PUTRA: (415) 575-9079)
1166 GENEVA AVENUE - on the south side of Geneva Avenue, between of Madrid Street and Naples Street; Lot 031 in Assessor's Block 6413 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 710.27, and 303 to allow hours of operation between 11:00 PM and 2:00 AM for an existing Full-service Restaurant and Bar use (dba "The Broken Record") located in an NC-1 (Neighborhood Commercial, Cluster) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Disapproval
- 9a. 2008.0359D (S. CALTAGIRONE: (415) 558-6625)
7 SEYMOUR STREET - west side between Turk Street and Golden Gate Avenue; Lot 023 in Assessor's Block 1154 - **Request for Discretionary Review** of Building Permit Application No. 2007.12.20.0979, proposing to install a garage opening at the front façade and to legalize as a dwelling unit the existing single-story cottage located in the rear yard of the subject two-story, two-unit building within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the application.
- 9b. 2009.0104V (S. CALTAGIRONE: (415) 558-6625)
7 SEYMOUR STREET - west side between Turk Street and Golden Gate Avenue; Lot 023 in Assessor's Block 1154 - **Request for Variances** under Planning Code Sections 134 and 188 to legalize as a dwelling unit the existing single-story cottage located in the rear yard of the subject two-story, two-unit building within an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

5:30 P.M.

- 10a 2009.0227TU (E. FORBES: (415) 558-6417)
DISCRETIONARY REVIEW REFORM: COMMISSION POLICIES AND PROCEDURES - **Consideration of adoption of policies and procedures in an effort to reform discretionary review**, including implementation of improved and standardized pre-application process, improved public information access, a more consistent and predictable design review process, a definition and application of "exceptional and extraordinary circumstances", renaming the "Residential Design Guidelines" to

"Residential Design Standards," and a defined timeline for the processing of discretionary review applications.

Preliminary Recommendation: Adoption

- 10b 2009.0227TU (E. FORBES: (415) 558-6417)
DISCRETIONARY REVIEW REFORM: INITIATE AMENDMENT TO PLANNING CODE SECTIONS 311 AND 312 - Consideration of a Resolution of Intent to Initiate an Ordinance to amend Planning Code Sections 311 and 312 to state that a request for discretionary review will be heard by the Planning Commission or its designee, if the application demonstrates exceptional and extraordinary circumstances, and change all Planning Code references of the "residential design guidelines" to "residential design standards."
- Preliminary Recommendation: Adoption

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The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, April 9, 2009

1:30 PM

Regular Meeting

04-06-09P12:00 RCVD

GOVERNMENT
DOCUMENTS DEPT

APR - 6 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

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1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.1161C (A. PUTRA: (415) 575-9079)
99 WEST PORTAL AVENUE - northeast corner of West Portal Avenue and Vicente Street, Assessor's Block 2979A; Lot 021A - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 729.51, and 303 to allow a ground floor medical service use (dba "Dean L. Duncan, DDS") in the West Portal Neighborhood Commercial District, and 26-X Height and Bulk District.
Preliminary Recommendation: Disapproval
(Continued from Regular Meeting of March 26, 2009)
NOTE: On March 26, 2009, following public testimony, the Commission closed the public hearing and passed a motion of intent to approve with modifications to require more transparency into ground level; provide more attractive awnings; continue working with department staff on design and material to enhance the exterior façade by a vote of +6 -1. Commissioner Olague voted against. Final Language scheduled for April 9, 2009.
(Proposed for Continuance to April 23, 2009)
- 2a. 2007.0129DDD (G. CABREROS; (415) 558-6169)
100 32ND AVENUE - southeast corner of 32nd Avenue and El Camino del Mar; Lot 008 in Assessor's Block 1312 - **Requests for Discretionary Review** of Building Permit Application No. 2007.01.19.2027 proposing to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor of the four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve.
(Continued from Regular Meeting of March 12, 2009)
(Proposed for Continuance to May 7, 2009)
- 2b. 2007.0129V (G. CABREROS: 415-558-6169)
100 32ND AVENUE - southeast corner of 32nd Avenue and El Camino del Mar; Lot 008 in Assessor's Block 1312 - **Request for Variances** from Planning Code Sections 133, 134 and 188 to modify a required side yard, the required rear yard and a noncomplying structure. The project proposes to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor of the four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.
(Continued from Regular Meeting of March 12, 2009)
(Proposed for Continuance to May 7, 2009)

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

3. Consideration of Adoption:

- Draft Minutes of Regular Meeting of January 8, 2009
- Draft Minutes of Regular Meeting of January 15, 2009

4. Commission Comments/Questions

- **Inquiries/Announcements.** Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- **Future Meetings/Agendas.** At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT**5. Director's Announcements****6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.****D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

F. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED**7. 2008.0940C****(M. WOODS: (415) 558-6315)**

2250 VALLEJO STREET - north side between Fillmore and Webster Streets; Lot 009, in Assessor's Block 0557 - **Request for Conditional Use Authorization** pursuant to Sections 303(c) and 317 of the Planning Code to allow the merger of eleven dwelling units into two dwelling units in a three-story over basement residential building, within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions, including Modifications to Retain More than Two Dwelling Units

(Continued from Regular Meeting of March 26, 2009)

NOTE: On March 26, 2009, following public testimony, the Commission closed the public hearing and passed a motion of intent to approve the project with two units

as proposed by the project sponsor by a vote of +5 -2 with Commissioners Sugaya and Moore voting against. Final Language scheduled for April 9, 2009.

G. REGULAR CALENDAR

- 8a. 2008.1215CV (C. TEAGUE: (415) 575-9081)
827 GUERRERO STREET - east side between 20th Street and Liberty Street, Lot 076 in Assessor's Block 3608 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 209.2(a) and 303 for a 20-bed group housing facility in an RH-2 (Residential, House, Two-Family District) and a 40-X Height and Bulk District. The proposal is to convert the existing building—previously a residential care facility (dba Chateau Agape) into a group housing facility (dba The Alternative to Meds Center) with a maximum of 15 bedrooms and 20 beds and 1 off-street parking space. No changes are proposed for the existing building.
Preliminary Recommendation: Approval
(Continued from Regular Meeting of March 12, 2009)
- 8b. 2008.1215CV (C. TEAGUE: (415) 575-9081)
827 GUERRERO STREET - east side between 20th Street and Liberty Street, Lot 076 in Assessor's Block 3608 - **Request for a Parking Variance** pursuant to Planning Code Sections 151 and 305 to provide only 1 of the 5 required off-street parking spaces for a 20-bed group housing facility in an RH-2 (Residential, House, Two-Family District) and a 40-X Height and Bulk District. The proposal is to convert the existing building previously a residential care facility (dba Chateau Agape)—into a group housing facility (dba The Alternative to Meds Center) with a maximum of 15 bedrooms and 20 beds.
(Continued from Regular Meeting of March 12, 2009)
9. 2009.0176C (B. BENDIX: (415) 575-9089)
548 VALENCIA STREET - west side between 16th and 17th Streets, Lot 008 in Assessor's Block 3568 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 145.2, 303 and 726.26 to legalize a walk-up facility (ATM), dba "Swipe USA", that is not recessed 3-feet from the property line, in the Valencia Street NCT (Neighborhood Commercial Transit) Zoning District with a 55-X Height and Bulk designation.
Preliminary Recommendation: Approval with Conditions
10. 2009.0117C (C. LAMORENA: (415) 575-9085)
3154 FILLMORE STREET - on the southeast corner of Greenwich Street; Lots 022 and 023 of Assessor's Block 0516 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 725.26, to legalize an existing walk-up facility (ATM dba Swipe USA) that is not recessed from the property line by 3 feet at the existing full-service restaurant (dba Eastside West) within the Union Street Neighborhood Commercial District and 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
11. 2005.0540E (C. ROOS: (415) 575-9043)
1415 MISSION STREET - MIXED USE DEVELOPMENT - Public Hearing on the Draft Environmental Impact Report - The project site (Lot 001 in Assessor's Block 3510) is in on the south side of Mission Street, at 10th Street. The proposed project would demolish an existing one-story, 18-foot-tall, approximately 5,000-square-foot (sq.ft.) commercial building and surface parking lot on the site and construct a 14-story, 130-foot-tall building with approximately 2,742 sq.ft. of ground-floor commercial space, 117 residential units, and a three-level, subterranean garage with up to 46 independently-accessible or 101 valet residential parking spaces, and 15 commercial parking spaces. The site is located within a C-M (Heavy Commercial) Use district and a 130-L Height and Bulk district. The project requires zoning reclassification to C-3-G (Downtown General Commercial),

Section 309 exceptions; Conditional Use authorization; a Variance, and Transfer of Development Rights (TDR).

Preliminary Recommendation: No Action Required

NOTE: Written comments will be accepted at the Planning Department's offices until the close of business on April 13, 2009.

- 12a. 2007.1121XV (B. FU: (415) 558- 6613)
430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Request under Planning Code Sections 309.1, 825, and 827 for determinations of compliance and exceptions for dwelling unit exposure.** The subject property is located within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation. The project proposal is to construct a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces. The project also requires a Variance for open space, to be heard and considered by the Zoning Administrator at the same hearing.
 Preliminary Recommendation: Approval with Conditions
 (Continued from Regular Meeting of March 19, 2009)
- 12b. 2007.1121XV (B. FU: (415) 558- 6613)
430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Variance request** to allow reduction of the required open space per Planning Code Sections 135 and 827, for the proposed construction of a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation.
 (Continued from Regular Meeting of March 19, 2009)
13. 2008.1393T: (T. SULLIVAN: (415) 558-6257)
ORDINANCE RESCINDING PLANNING CODE ARTICLES 10 & 11 IN THEIR ENTIRETY AND ADOPTING A NEW ARTICLE 10 & 11, AND ADDING NEW PLANNING CODE SECTION 176(F) [BOARD FILE NO. 08-1565] - **Ordinance introduced by Supervisor Daly and former Supervisor Peskin that would rescind Articles 10 and 11 from the Planning Code in its entirety and adopting a new Article 10 and 11 to implement the provisions of the new San Francisco Charter Section 4.135 (Historic Preservation Commission), and to add Section 176(f).**
 Preliminary Recommendation: Approval with Modifications.

5:30 p.m. -- [Although the following items may be called after the listed time, they will not be called before.]

- 14a. 2007.0627D (E. WATTY: (415) 558-6620)
1629 DOLORES STREET - east side between 29th and Day Streets, Lot 015 in Assessor's Block 6634 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2007.01.08.1172, proposing the demolition of a one-story, single-family dwelling, located in the RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
- 14b. 2009.0005D (E. WATTY: (415) 558-6620)
1629 DOLORES STREET - east side between 29th and Day Streets, Lot 015 in Assessor's Block 6634 - **Mandatory Discretionary Review** pursuant to Planning Code

Section 317, of Building Permit Application No 2007.01.08.1168, proposing the construction of a new three-story-over-garage, three-family dwelling, located in the RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District. Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

15. 2009.0158D (P. LAVALLEY: (415) 575-9084)
66 ELLSWORTH STREET - west side between Bernal Heights Boulevard and Powhattan Avenue; Lot 012 in Assessor's Block 5624 - **Request for Discretionary Review** of Building Permit Application No. 2008.11.10.6254, proposing to construct a one-story vertical addition, remove one-story rear addition, and alter the façade of a one-story over basement, single-family dwelling within an RH-1 (Residential House, One-Family) District, 40-X Height and Bulk District, and within the Bernal Heights Special Use District. Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

04-13-09A09:21 RCVD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, April 16, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

APR 13 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvrs/sunshine..

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0135TZ (T. SULLIVAN: 558-6257)
Amendments relating to Planning Code Section 227(v) to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined [Board File No. 09-0141]. Ordinance introduced by Supervisor Mirkarimi amending Planning Code Section 227(v) to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street NDC and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined; amending Section 790.123 to refer to this special definition; amending 719.1 and the Table at Section 719 to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street NCD; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street NCD and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to 18 months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
(Proposed for continuance to May 7, 2009)
2. 2008.0388D (S. VELLVE: (415) 558-6263)
2608 POST STREET - north side between Lyon Street and Presidio Avenue; Lot 008 in Assessor's Block 1073 - **Request for Discretionary Review of Building Permit Application No. 2006.05.31.2874** proposing to construct a new four-story building containing two dwelling units at the front of the subject lot, which currently contains a two-story structure with one dwelling unit at the rear of the lot, within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve
(Continued from Regular Meeting of March 12, 2009)
(Proposed for continuance to May 7, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2007.0072C (R. CRAWFORD: (415) 558-6358)
2367 MARKET STREET - AKA 3970 17TH STREET - north side between Castro and Noe Streets Lot 036 of Assessor's Block 3563 - **Report on Compliance with Conditions of Approval**, Pursuant to the Conditions of Approval for the expansion of the Café nightclub the Sponsor will present a report regarding compliance with those conditions and request additional nights for live entertainment as provided under condition #10 of motion 17572, in the Upper Market Transit Oriented Neighborhood Commercial District and a 65-X Height and Bulk District.
Preliminary Recommendation: Find the Use In Compliance With the Conditions of Approval and Additional Nights of Live Entertainment

C. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

5. Director's Announcements
6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

G. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

7. 2008.0940C (M. WOODS: (415) 558-6315)
2250 VALLEJO STREET - north side between Fillmore and Webster Streets; Lot 009, in Assessor's Block 0557 - **Request for Conditional Use Authorization** pursuant to Sections 303(c) and 317 of the Planning Code to allow the merger of eleven dwelling units into two dwelling units in a three-story over basement residential building, within an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions, including Modifications to Retain More than Two Dwelling Units
(Continued from Regular Meeting of April 9, 2009)

NOTE: On March 26, 2009, following public testimony, the Commission closed the public hearing and passed a motion of intent to approve the project with two units as proposed by the project sponsor by a vote of +5 -2 with Commissioners Sugaya and Moore voting against. Final Language scheduled for April 9, 2009.

8. 2003.0527E (M. JACINTO: (415) 575-9033)
1000 16th STREET – four parcels comprising a triangular site bounded by Hubbell, 7th and 16th Streets and bisected by Daggett Street (Assessor's Block 3833, Lots 001, 002, and 003 and Assessor's Block 3834, Lot 001) – **Certification of Final EIR.** The project involves construction of an approximately 556,000 gross sq. ft. mixed-use project in three buildings on a vacant, 3.15-acre triangular site bounded by Hubbell, 7th and 16th Streets, including approximately 418,500 sq. ft. of residential use (approximately 450 dwelling units), approximately 1,250 sq. ft. of ground-floor commercial space, and approximately 15,964 sq. ft. of production, distribution and repair/small enterprise workspaces fronting Hubbell Street. The Final EIR also analyzes several variants of this mix of uses. The project could entail construction of publicly accessible open space within the Daggett Street right-of-way bisecting the site, as well as a landscaped plaza at the corner of Hubbell and 16th Streets, opposite the intersection of Connecticut and 16th Streets. A two-level parking garage would provide approximately 283 independently accessible parking spaces. The garage's lower-level entrance would be located on Hubbell Street and the entrance/exit to the upper garage would be on 7th Street. Pedestrian entrances would be provided along 16th, Hubbell, 7th and Daggett Streets. Building heights would be up to 68 feet. The project site is within an UMU (Urban Mixed Use) and PDR-1-G (Production, Distribution and Repair, General) Zoning District, a 68-X Height and Bulk District and within the Showplace Square/Potrero Hill Area Plan area. **Please note: the public review period for the Draft Environmental Impact Report is closed. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the public comment portion of the Commission calendar.**
Preliminary Recommendation: Certify the Final EIR.

H. REGULAR CALENDAR

9. **HOUSING ELEMENT UPDATE** (T. OJEDA: (415) 558-6251)
Informational presentation in response to Commissioners' questions about housing data in preparation for the 2009 update of the Housing Element. The presentation will include an introduction to Part 1 of the Housing Element, the *Data and Needs Analysis* section, which includes a description and analysis of San Francisco's population, household and employment trends; existing housing characteristics; overall housing need, including housing needs of special population groups; and potential capacity for new housing based on existing land supply and development opportunity sites. A preliminary draft of this section of the Housing Element is expected to be released on April 16, 2009.
- 10a. 2006.1065DDDD (S. VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lots 036 and 037 (formerly Lot 005) in Assessor's Block 1258 - **Requests for Discretionary Review** of Building Permit Application No. 2006.09.20.2886, proposing to demolish an existing garage and to construct a new four-story, three-unit building at 52 Alpine Terrace that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East (requiring a Variance, Item 2b) in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The existing three-car garage structure at 52 Alpine Terrace would be demolished.
Preliminary Recommendation: Do not take Discretionary Review and Approve
(Continued from Regular Meeting March 26, 2009)

- 10b. 2006.1065V (S. VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lots 036 and 037 (formerly Lot 005) in Assessor's Block 1258 - **Request for a Parking Variance** for two required off-street parking spaces that would be provided on a separate lot than the dwelling units in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The project proposes to demolish an existing garage and to construct a new four-story, three-unit building that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East. The request will be heard by the Zoning Administrator.
(Continued from Regular Meeting of March 26, 2009)
11. 2006.1431E (D. DWYER: (415) 575-9031)
1960-1998 MARKET STREET - northeast corner at Buchanan, Assessor's Block 0872, Lots 005, 006 and 007- **Appeal of Preliminary Negative Declaration** for the proposed project consisting of the demolition of the existing surface parking lot with approximately 20 carshare parking spaces; a Union 76 gas station comprised of a 1,710-square-foot, one-story building, three islands with gas pumps sheltered by metal canopy approximately 15 feet in height, and two 12,000-gallon underground storage tanks (USTs); and two 12 ft x 25 ft general advertising signs. The proposed project also would construct a nine-story, 85-foot-tall mixed-use building totaling approximately 146,800 gross square feet in area, including ground floor parking with approximately 108 condominium units, 86 off-street parking spaces located on the ground floor and in two below-grade garage levels, and three ground-floor commercial spaces totaling 8,150 square feet. The 21,200-square-foot project site is located at the northeast corner of the intersection of Market, Duboce and Buchanan Streets in an NCT-3 (Neighborhood Commercial Transit) Zoning District and 85-X Height and Bulk District.
Preliminary Recommendation: Uphold Preliminary Negative Declaration
(Continued from Regular Meeting of March 26, 2009)
- 12a. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007 - **Consideration of Adoption of CEQA Findings and Request for Conditional Use Authorization** under Planning Code Sections 228 (Service Station Conversion), 731.11 (Development Lot Size) and 731.94 (Residential Off-street Parking) for the conversion of a service station and construction of a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking below for up to 91 off-street parking spaces. The project lies within an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area.
Preliminary Recommendation: Approval with Modifications and Conditions
(Continued from Regular Meeting of March 26, 2009)
- 12b. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007, located in an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area. **REAR YARD, USABLE OPEN SPACE, AND EXPOSURE VARIANCES SOUGHT:** The proposal is to demolish the service station and construct a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces.
(Continued from Regular Meeting of March 26, 2009)

I. PUBLIC COMMENT

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- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

***** NOTICE OF FUTURE AGENDA ITEMS *****

JOINT HEARING with RECREATION AND PARK COMMISSION May 7, 2009
Sue Bierman Park & planning study of Embarcadero Waterfront open space
Allocation of funds from Downtown Park Fund
555 Washington
JOINT HEARING with BUILDING INSPECTION COMMISSION May 7, 2009
1268 Lombard
Permit extensions & renewals
CAPPS programs – soft story

DR REFORM legislative & policy changes May 14, 2009

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.
ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, April 23, 2009

1:30 PM

Regular Meeting

04-20-09A09:42 RCVD

GOVERNMENT
DOCUMENTS DEPT

APR 20 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.1161C (A. PUTRA: (415) 575-9079)
99 WEST PORTAL AVENUE - northeast corner of West Portal Avenue and Vicente Street, Assessor's Block 2979A; Lot 021A - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 729.51, and 303 to allow a ground floor medical service use (dba "Dean L. Duncan, DDS") in the West Portal Neighborhood Commercial District, and 26-X Height and Bulk District.
Preliminary Recommendation: Disapproval
(Continued from Regular Meeting of April 9, 2009)
NOTE: On March 26, 2009, following public testimony, the Commission closed the public hearing and entertained an intent to approve with modifications to require more transparency into ground level; provide more attractive awnings; continue working with department staff on design and material to enhance the exterior façade by a vote of +6 -1; Commissioner Olague voted against. Final Language April 9, 2009.
(Proposed for continuance to May 14, 2009)
2. 2007.0128E (L. KIENKER: (415) 575-9036)
2901 CALIFORNIA STREET – DREW SCHOOL ADDITION -- west side of Broderick between California and Pine Streets, Lots 3 and 95 in Assessor's Block 1029 – **Certification of the Final Environmental Impact Report**, for the project at 1831-1835 Broderick Street to demolish an existing three-unit residential building constructed in 1891 and build an approximately 15,604 square-foot (sq.ft.) addition to the existing Drew School at 2901 California Street, accommodating a three-story assembly and classroom wing, with no change to off-street parking, within the RM-1 (Residential, Mixed, Low Density District) and 40-X Height and Bulk District.
Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on November 24, 2008. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.
Preliminary Recommendation: Certify the Final EIR
(Proposed for Continuance to May 14, 2009)
- 3a. 2007.0128CV (A. STARR: (415) 558-6362)
2901 CALIFORNIA STREET - southwest corner of California and Broderick Streets, Lots 095 and 003, in Assessor's Block 1029 - **Request for Conditional Use Authorization** under Planning Code Sections 209.3, 303 and 317 to modify the Conditional Use Authorization approved on October 14, 2009 (Motion # M14898, Case # 1998.244C) to allow an existing private secondary school (the Drew School) to expand its facility to include 4 new classrooms and a flexible assembly space, to increase its enrolment cap from 250 to 280 students and to demolish an existing 3-unit residential building located at

1831-1835 Broderick Street adjacent to the Drew School within an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District. The 40' tall addition will be constructed to the south of the existing school building on the site currently occupied by the 3.5 story residential building.

Preliminary Recommendation: Approval with conditions

(Proposed for continuance to May 14, 2009)

- 3b. 2007.0128CV (A. STARR: (415) 558-6362)
2901 CALIFORNIA STREET - Southwest corner of California and Broderick Streets, Lots 095 and 003, in Assessor's Block 1029 -- **Request for Variances from the rear yard, permitted obstruction and street tree requirements** pursuant to Sections 134, 136(d)(2) and 143 of the Planning Code, to allow the proposed building expansion to be located within the required rear yard, to have a bay window projecting over the sidewalk that does not conform to the size limitations outlined in the Planning Code, and to not install street trees every 20' along the Broderick Street frontage as required by the Planning Code. The Zoning Administrator will consider the request following the Planning Commission's consideration of the Conditional Use authorization.
(Proposed for continuance to May 14, 2009)
4. 2008.1014C (J. IONIN: (415) 558-6309)
652 STANYAN STREET - east side between Page and Haight Streets, Assessor's Block 1228, Lot 008 - **Request for Conditional Use Authorization** under Planning Code Section 209.6 (Public Facilities and Utilities) for AT&T Wireless to co-locate six antennas on the roof (concealed within RF transparent material) and associated equipment cabinets in the basement of the subject property. The project lies within an RM-2 (Residential, Mixed, Moderate Density) District and a 50-X Height and Bulk District.
Preliminary Recommendation: Pending
(Continued from Regular Meeting of March 19, 2009)
(Proposed for continuance to May 14, 2009)
5. 2006.0401D (E. WATTY: (415) 558-6620)
395 ATHENS STREET - south side between Brazil and Excelsior Avenues; Lot 014, in Assessor's Block 6022 - **Request for Discretionary Review** of Building Permit Application No. 2003.12.24.3005, proposing construction of a four-story, two-family dwelling on a vacant lot. The subject property is located within the RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the Project as proposed.
(Proposed for continuance to May 21, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

6. 2009.0016C (S.LAI: (415) 575-9087)
68 WEST PORTAL AVENUE - west side of West Portal Avenue, between Ulloa and Vicente Streets, Assessor's Block 2931; Lot 007 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 729.42 and 303, to legalize a full-service restaurant (dba "Bay Shabu") within the West Portal Neighborhood Commercial District, and 26-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions.

7. 2008.1397D (E. OROPEZA: (415) 558-6381)
64-66 14TH STREET - north side between Folsom and Tractor Streets; Lot 017, in Assessor's Block 3529, **Mandatory Discretionary Review** pursuant to Planning Code Section 317 requiring review of all dwelling unit conversions, for Building Permit Application no. 2009.0319.4471. The project proposes to convert the existing ground floor dwelling unit of approximately 1,000 square feet into a retail eating establishment thereby reducing the number of legal dwelling units from 2 to 1. The property is located within the PDR-1-G (Production, Distribution, Repair-General) District and a 58-X Height and Bulk Designation.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

C. COMMISSIONERS' QUESTIONS AND MATTERS

8. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

9. Director's Announcements
10. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
11. (R. DUDLEY (415): 575-9068)
GENERAL UPDATE ON THE JAPANTOWN BETTER NEIGHBORHOOD PLAN—
Informational Presentation - Brief status update on the Japantown Better Neighborhood Plan to discuss the plan's key recommendations, issues and schedule for completion. More information about the Japantown Plan can be found at the plan website: <http://japantown.sfplanning.org>.
Preliminary Recommendation: Information only. No action required.
12. TRANSBAY TRANSIT CENTER (J. SWITZKY: (415) 575-6815)
Informational Presentation by the Transbay Joint Powers Authority and Pelli Clark Pelli Architects of the completed Schematic Design for the Transbay Transit Center and request for Comment from the Planning Commission. The TJPAA is seeking comment from the Planning Commissioners on the design of the Transbay Transit Center.
Preliminary Recommendation: No Action Required

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

13. 2008.0197T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS RELATING TO PLANNING CODE SECTION 725.1, SECTION 725.44, AND SECTION 725.69A OF THE UNION STREET NCD ZONING CONTROL TABLE - TO PROVIDE FOR A LIMITED NUMBER OF NEW SMALL SELF-SERVICE RESTAURANTS AND SELF-SERVICE SPECIALTY FOOD USES SUBJECT TO CONDITIONAL USE AUTHORIZATION BY THE PLANNING COMMISSION [BOARD FILE NO. 09-0274].
Ordinance introduced by Supervisor Alioto-Pier amending Planning Code Section 725.1, Section 725.44, and Section 725.96A of the Union Street NCD to provide for a limited number of new Small Self-Service Restaurants and Self-Service Specialty Food uses subject to conditional use authorization by the Planning Commission; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. Preliminary Recommendation: Approval.
14. 2007.0289C (K. GUY: (415) 558-6163)
1685 SACRAMENTO STREET – 1685 Sacramento Street (aka 1552 Polk Street), southeast corner at Polk Street, Lot 017 of Assessor's Block 0644: **Request for Conditional Use Authorization**, pursuant to Planning Code Section 723.45 to add a liquor store to an existing convenience store (dba "Nob Hill Liquors #2") within the Polk Street NCD (Neighborhood Commercial District), and a 65-A Height and Bulk District. If granted, the Conditional Use Authorization would allow the applicant to seek a Type 21 License from the California Department of Alcoholic Beverage Control. This license would permit the sale of beer, wine, and distilled spirits for off-site consumption. The size of the existing store would not change.
Preliminary Recommendation: Disapproval
15. 2008.1383D (A. PUTRA: (415) 575-9079)
3944 21st STREET – north side between Collingwood Street and Castro Street; Lot 022B in Assessor's Block 2752 – **Request for Discretionary Review** of Building Permit Application No. 2008.05.13.1976, proposing the construction of a vertical addition to add a third story to an existing two-story, single-family house in a RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.
16. EASTERN NEIGHBORHOODS PROGRAM – (K. RICH: (415) 558-6345)
Staff will present an **informational update on progress with implementation** of the Eastern Neighborhoods Program, which became law on January 19, 2009. Topics covered will include: Citizen's Advisory Committee (CAC), "EN Trips" study, open space planning, interpretations related to new Planning Code provisions, staff training program, "legitimization" program, pipeline projects, Mission Street study, historic preservation surveys. Information only - no action required.
17. 2009.0244Z (K. RICH: (415) 558-6345)
2554-2574 MISSION STREET (aka 2550 MISSION STREET) – on the western side of the block between 21st and 22nd Streets, Lots 007 in Assessor's Block 3616 – **The Planning Commission will consider an ordinance, Board File # 090381, amending the San Francisco Zoning Map**, pursuant to Planning Code Section 302 and 306.3, by amending the height district designation for property located at 2550 Mission Street, Assessor's Block 3616, Lot 007, between 21st and 22nd Streets to 65-X on Zoning Map Sheet ZN07; and making various findings, including environmental finding and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors, and adopt findings,

including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Approve

G. PUBLIC COMMENT

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- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment (in Memory of Redmond Kernan):

****** NOTICE OF FUTURE AGENDA ITEMS ******

JOINT HEARING with RECREATION AND PARK COMMISSION May 7, 2009
- Sue Bierman Park (formerly known as "Ferry Park," allocation of funds from the Downtown Park Special Fund for improvements to Ferry Park

- 555 Washington

JOINT HEARING with BUILDING INSPECTION COMMISSION May 7, 2009

- 1268 Lombard

- Permit extensions & renewals

- CAPPS programs – soft story

Transit Center District Plan – informational – 10:30a.m. May 14, 2009

DR REFORM legislative & policy changes May 14, 2009

Amend Planning Code sections – new controls on massage establishments – 5/21/09

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

ADDENDUM
to SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting &
Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, April 23, 2009

1:30 PM

Regular Meeting

President: Ron Miguel

Vice-President: Christina Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin
Moore; Hisashi Sugaya

Commission Secretary: Linda D. Avery

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1650 MISSION STREET, 4TH FLOOR RECEPTION

D. DIRECTOR'S REPORT

11a. 2009.0056U (L. BADINER 558-6350, J. SWITZKY 575-6815)

425 FIRST STREET - Assessors Block 3765, Lot 022. South side between Fremont and First Streets, Rincon Hill DTR and 45/550-R Height and Bulk Districts. **Discussion of One Rincon Hill payment into the SOMA Stabilization Fund (Sec 318.3(b)(ii)) and consideration of calendaring a hearing to revoke authorization of payment to the project sponsor for an allocation of up to \$1,552,972 from Rincon Hill Community Improvements Fund to Reimburse One Rincon Hill Development, LP pursuant to Planning Commission Motion 17836 for In-Kind Public Street Improvements on First and Harrison Streets.**

Preliminary Recommendation: Discussion Only

GOVERNMENT
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APR 21 2009

04-21-09A10:35 RCVD

SAN FRANCISCO
PUBLIC LIBRARY

NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION Regular Meeting *Thursday, April 30, 2009*

NOTICE IS HEREBY GIVEN that the Regular Meeting of the San Francisco Planning Commission for *Thursday, April 30, 2009*, has been cancelled. The next Regular Meeting of the Planning Commission will be held on, *Thursday, May 7, 2009*.

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER
PRESIDENT RON MIGUEL
VICE-PRESIDENT CHRISTINA OLAGUE
COMMISSIONER MICHAEL J. ANTONINI
COMMISSIONER GWYNETH BORDEN
COMMISSIONER WILLIAM L. LEE
COMMISSIONER KATHRIN MOORE
COMMISSIONER HISASHI SUGAYA

DIRECTOR OF PLANNING
COMMISSION SECRETARY

JOHN RAHAIM
LINDA D. AVERY

GOVERNMENT
DOCUMENTS DEPT

APR 24 2009

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PUBLIC LIBRARY

****** NOTICE OF FUTURE AGENDA ITEMS ******

JOINT HEARING with RECREATION AND PARK COMMISSION May 7, 2009
- Sue Bierman Park (formerly known as "Ferry Park," allocation of funds from the Downtown Park Special Fund for improvements to Ferry Park

- 555 Washington

JOINT HEARING with BUILDING INSPECTION COMMISSION May 7, 2009

- 1268 Lombard

- Permit extensions & renewals

- CAPPS programs – soft story

Transit Center District Plan – informational – 10:30a.m. May 14, 2009

DR REFORM legislative & policy changes May 14, 2009

Amend Planning Code sections – new controls on massage establishments – 5/21/09

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

**SAN FRANCISCO
PLANNING COMMISSION
&
Recreation and Park Commission
Notice of Joint Meeting
&
Calendar**

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 7, 2009

11:00 AM

Special Meeting

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

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1650 MISSION STREET, 4TH FLOOR RECEPTION

05-01-09P01:02 RCVD

GOVERNMENT
DOCUMENTS DEPT

MAY - 1 2009

SAN FRANCISCO
PUBLIC LIBRARY

11:00 AM _____

PLANNING COMMISSION ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini, Gwyneth Borden, William L. Lee, Kathrin Moore, Hisashi Sugaya

RECREATION AND PARK COMMISSION ROLL CALL:

President:	Jim Lazarus
Vice President:	Tom Harrison
Commissioners:	Larry Martin, Gloria Bonilla, David Lee, Meagan Levitan, Michael J. Sullivan

A. SPECIAL CALENDAR

1. 2009.0329U (D. ALUMBAUGH/ R. THALL:(415) 558-6601/ 558-4007
Consideration of allocation of \$1,712,000 from the Downtown Special Park Fund for the renovation of Sue Bierman Park, (formerly known as Ferry Park, located on the blocks bounded by the Embarcadero and Washington, Davis, and Clay Streets, Lots 6, 15, 18, and 20 of Assessor's Block 0202 and Lot 014 of Assessor's Block 0203, as required by Section 139(g) of the Planning Code, discussion and possible action to approve an allocation of \$1.712 million in funds from the Downtown Park Special Fund. Funds would be used for renovation of Sue Bierman Park (Assessor's Block 202 & 203), formerly known as "Ferry Park."

For further information, contact Rick Thall, Recreation and Park Department, at (415) 558-4007 or David Alumbaugh, Planning Department, at (415) 558-6601. Written inquiries and comments can be sent to Rick Thall, Recreation and Park Department Capital Division, 30 Van Ness Avenue, 5th Floor, San Francisco, or David Alumbaugh, Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA 94103.

2. 2009.0302K (K. GUY: (415) 558-6163)
1) SUE BIERMAN PARK, BLOCKS BOUNDED BY THE EMBARCADERO AND WASHINGTON, DAVIS, AND CLAY STREETS, LOTS 6, 15, 18, AND 20 OF ASSESSOR'S BLOCK 0202 AND LOTS 013-014 OF ASSESSOR'S BLOCK 0203, AND 2) MARITIME PLAZA, BLOCK BOUNDED BY WASHINGTON, DAVIS, CLAY, AND BATTERY STREETS; LOTS 020-022 OF ASSESSOR'S BLOCK 0204 - Request to Consider an increase of the cumulative shadow limits (no net new shadow) for Maritime Plaza and to establish a cumulative shadow limit for Sue Bierman Park, as established in a jointly-approved Section 295 implementation Memo adopted in 1989, in order to accommodate new shadow cast by the 555 Washington Project. Sue Bierman Park includes an area referred to as "Embarcadero Plaza I" in the 1989 implementation Memo. The impacted park sites are located within the C-3-O (Downtown Office) and P (Public) Zoning Districts, and the 200-S, 300-S, and OS Height and Bulk Districts. Preliminary Recommendation (Planning Commission): Adoption of the Motion raising the cumulative shadow limit for Maritime Plaza and establishing a cumulative shadow limit for Sue Bierman Park.
3. 2002.0133K (K. GUY: (415) 558-6163)
555 WASHINGTON STREET - Request to Consider jointly with the Planning Commission whether the shading or shadowing on Sue Bierman Park and Maritime Plaza from the proposed project will not be significant or adverse, pursuant to Planning

Code Section 295 (The Sunlight Ordinance). The proposed project would demolish an existing nine-story office building and one-story retail building, and construct a new mixed-use building containing approximately 336,500 square feet of residential uses, approximately 6,700 square feet of retail uses, and approximately 230 parking spaces. The finished roof of the building would reach a height of approximately 400 feet, while the rooftop mechanical penthouse would reach a height of approximately 425 feet. The project site is located within the C-3-O (Downtown Office) Zoning District, and the 200-S Height and Bulk District.

Preliminary Recommendation (Planning Commission): Adoption of the Motion finding that net new shadow from the project is not adverse, and authorizing the allocation of the cumulative shadow limits for Sue Bierman Park and Maritime Plaza to this project.

Adjournment:

***** NOTICE OF FUTURE AGENDA ITEMS *****

JOINT HEARING with BUILDING INSPECTION COMMISSION May 7, 2009, 6 p.m.

- Permit extensions & renewals
- CAPPS programs – soft story
- Permit reviews and enforcement
- Tall building structural review
- Permit tracking system update

Transit Center District Plan – informational – 10:30a.m.

May 21, 2009

DR REFORM legislative & policy changes

May 14, 2009

Amend Planning Code sections – new controls on massage establishments – 5/21/09

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

**ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING
ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.**

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

05-01-09P01:02 RCVD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, May 7, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY - 1 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2007.1464!CEKVX (A. HOLLISTER: (415) 575-9078)
1036 MISSION STREET - north side between Sixth and Seventh Streets, a through-lot to Jessie Street - **Review under Planning Code Section 309** of new construction of a nine- to 13-story, 120-foot-tall, mixed-use building containing approximately 100 all-affordable dwelling units, ground floor retail space, common community space and no off-street parking spaces, requiring the granting of exceptions for rear-yard area, building bulk, freight loading and height limits for vertical extensions on Lots 079 & 080 in Assessor's Block 3703, in a C-3-G (Downtown General Commercial) District and a 120-F Height and Bulk District.
(Proposed for Continuance to May 14, 2009)
- 1b. 2007.1464!CEKVX (A. HOLLISTER: (415) 575-9078)
1036 MISSION STREET - north side between Sixth and Seventh Streets, a through-lot to Jessie Street - **Request for authorization of Conditional Use** pursuant to Planning Code Section 124(f) for additional floor area (up to an FAR of 7.7:1) above the base FAR of 6.0:1 of floor area to be devoted to affordable housing in conjunction with the construction of a nine- to 13-story, 120-foot-tall, mixed-use building containing approximately 100 all-affordable dwelling units, ground floor retail space, common community space and no off-street parking spaces, Lots 079 & 080 in Assessor's Block 3703, in a C-3-G (Downtown General Commercial) District and a 120-F Height and Bulk District.
(Proposed for Continuance to May 14, 2009)
- 1c. 2007.1464!CEKVX (A. HOLLISTER: (415) 575-9078)
1036 MISSION STREET - north side between Sixth and Seventh Streets, a through-lot to Jessie Street - **Request for Variance** of the dwelling-unit-exposure standards (Planning Code Section 140), usable open space standards (Planning Code Section 135) and standards for a vertical projection over a public right-of-way in conjunction with the construction of a mixed use building containing approximately 100 all affordable dwelling units, ground floor retail space, common community space and no off-street parking spaces on Lots 079 & 080 in Assessor's Block 3703, in a C-3-G (Downtown General Commercial) District and a 120-F Height and Bulk District.
(Proposed for Continuance to May 14, 2009)
- 2a. 2007.0129DDD (G. CABREROS: (415) 558-6169)
100 32ND AVENUE - southeast corner of 32nd Avenue and El Camino del Mar, Lot 008 in Assessor's Block 1312 - **Requests for Discretionary Review** of Building Permit Application No. 2007.01.19.2027 proposing to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor of the four-story, single-family

residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and Approve.

(Continued from Regular Meeting of April 9, 2009)

(Proposed for Continuance to May 28, 2009)

- 2b. 2007.0129V (G. CABREROS: (415) 558-6169)
100 32ND AVENUE - southeast corner of 32nd Avenue and El Camino del Mar; Lot 008 in Assessor's Block 1312 - **Request for Variances** from Planning Code Sections 133, 134 and 188 to modify a required side yard, the required rear yard and a noncomplying structure. The project proposes to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor of the four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.
 (Continued from Regular Meeting of April 9, 2009)
(Proposed for Continuance to May 28, 2009)
- 3a. 2006.1287D (B. FU: (415) 558-6613)
71 BISHOP STREET - east side between Ankeny and Harkness Streets, Lots 012 and 013 in Assessor's Block 6168 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2006.11.03.6812, proposing the demolition of a one-story over garage, single-family dwelling, located in the RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
Proposed for Continuance to May 28, 2009)
- 3b. 2009.0228D (B. FU: (415) 558-6613)
71 BISHOP STREET - east side between Ankeny and Harkness Streets, Lots 012 and 013 in Assessor's Block 6168 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2006.11.03.6814, proposing the construction of two new two-story over garage, single-family dwellings, located in the RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.
Proposed for Continuance to May 28, 2009)
4. 2005.0979XE (R. CRAWFORD: (415) 558-6358)
1390 MARKET STREET (AKA FOX PLAZA) - between Polk and Larkin Streets Lot 006, of Assessor's Block 0813 - **Request under Planning Code Sections 309.1, 148, and 152.1 for determinations of compliance and exceptions for reduction of ground level wind currents, and off street loading.** The project would demolish the existing two-story retail and office building adjacent to the existing Fox Plaza office/residential tower and construct a new 120-foot-tall, 11-story building containing up to 250 residential units above approximately 19,880 gross square feet of retail use on the ground floor. This project lies within a C-3-G (Downtown, General Commercial) District and within the 120-X and 200-S Height and Bulk Districts.
 Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to June 11, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or

staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

5. 2009.0046C (J. MILLER: (415) 558-6344)
367 BAY STREET - south side between Powell and Mason Streets, Lot 031 in Assessor's Block 0041 - **Request for Conditional Use** authorization pursuant to Section 218.1 of the Planning Code for a new massage establishment, in a C-2 (Community Business) District, the Northern Waterfront Special Use District No. 2, and within a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
- 6a. 2008.1401CV (T. FRYE: (415) 575-6822)
995-999 SUTTER STREET - between Hyde and Leavenworth Streets, Assessor's Block 0300; Lot 012 - **Request for Conditional Use** approval to allow the construction of a building over 40-feet within a residential zoning district with reduced parking. The project is to construct a 5-story, mixed-use development on the existing surface parking lot. The project includes 3 residential units and ground floor retail commercial space. The Zoning Administrator will hear a related exposure variance and rear yard modification. The subject property is within the Lower Nob Hill Apartment Hotel National Register District, the RC-4 (Residential-Commercial, High Density) District, and a 130-E Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
- 6b. 2008.1401CV (T. FRYE: (415) 575-6822)
995-999 SUTTER STREET - between Hyde and Leavenworth Streets, Assessor's Block 0300; Lot 012 - **Request for Variance** for exposure and a rear yard modification. The subject property is within the Lower Nob Hill Apartment Hotel National Register District, the RC-4 (Residential-Commercial, High Density) District, and a 130-E Height and Bulk District.

C. COMMISSIONERS' QUESTIONS AND MATTERS

7. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

8. Director's Announcements
9. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and the Historic Preservation Commission.
10. (S. DOWDEE: (415) 558-6259)
2008 HOUSING INVENTORY REPORT - **Informational only** - Announcing the publication of the *2008 Housing Inventory* report. This report is the 39th in the series and describes San Francisco's housing supply. *Housing Inventory* data accounts for new housing construction, demolitions, and alterations in a consistent format for analysis of housing production trends. Net housing unit gains are reported citywide, by zoning classification, and by planning district. Other areas covered include affordable housing, condominium conversions, and residential hotel stock. In addition, lists of major housing

projects completed and approved for construction in 2008 are provided. A list of affordable housing projects in the pipeline (projects in various stages of review or pre-construction planning) is included to provide a picture of likely housing construction activity in the near future. Report is available for the public at the Planning Department and on the website.

Preliminary Recommendation: No Action required.

E GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

11. 2008.0135TZ (T. SULLIVAN: (415) 558-6257)
AMENDMENTS RELATING TO PLANNING CODE SECTION 227(v) to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street Neighborhood Commercial District and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined [Board File No. 09-0141]. **Ordinance introduced by Supervisor Mirkarimi amending Planning Code Section 227(v) to create a special definition for Tobacco Paraphernalia Establishments applicable in the Haight Street NDC and in the Lower Haight Street Tobacco Paraphernalia Restricted Use District, as defined;** amending Section 790.123 to refer to this special definition; amending 719.1 and the Table at Section 719 to make Tobacco Paraphernalia Establishments, as defined, not permitted in the Haight Street NCD; adding new Section 786, to create the Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; amending Section 186.1, to change the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued in the Haight Street NCD and in the newly created Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict from three years to 18 months; amending Special Use District Map SU 07 of the Zoning Map of the City and County of San Francisco, to reflect the new Lower Haight Street Tobacco Paraphernalia Restricted Use Subdistrict; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
(Continued from the Regular Meeting of April 16, 2009)

12. 2008.1008T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE BY AMENDING APPENDIX K OF ARTICLE 10: BUSH STREET/COTTAGE ROW HISTORIC DISTRICT [Board File No. 08-1251]. **Ordinance introduced by Supervisor Mirkarimi to amend to Appendix K of Article 10 of San Francisco Planning Code: Bush Street/Cottage Row Historic District,** by adding a new Section 7 to set forth additional requirements for Certificates of Appropriateness; and adopting findings, including Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.

13. 2008.0388D (S. VELLVE: (415) 558-6263)
2608 POST STREET - north side between Lyon Street and Presidio Avenue; Lot 008 in Assessor's Block 1073 - **Request for Discretionary Review** of Building Permit Application No. 2006.05.31.2874 proposing to construct a new four-story building containing two dwelling units at the front of the subject lot, which currently contains a two-

story structure with one dwelling unit at the rear of the lot, within an RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve
 (Continued from Regular Meeting of April 16, 2009)

- 14a. 2009.0161D (A. STARR: (415) 558-6362)
2948-2950 FILLMORE STREET - east side between Union and Green Streets; Lot 017 in Assessor's Block 0540- **Mandatory Discretionary Review** of Building Permit Application No. 2008.07.28.7809 (demolition); proposing to demolish the existing three-story, two-unit building and construct a four-story, three-unit building in an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project
- 14b. 2008.0322D (A. STARR: (415) 558-6362)
2948-2950 FILLMORE STREET - east side between Union and Green Streets; Lot 017 in Assessor's Block 0540 - **Mandatory Discretionary Review** of Building Permit Application No. 2008.07.28.7807 (new construction); proposing to demolish the existing three-story, two-unit building and construct a four-story, three-unit building in an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Take Discretionary Review and Modify the Project
- 14c. 2008.0322V (A. STARR: (415) 558-6362)
2948-2950 FILLMORE STREET - east side between Union and Green Streets; Lot 017 in Assessor's Block 0540 - **Request for a Variance** from the rear yard requirements of Section 134 of the Planning Code to allow the proposed new four-story, three-unit building to encroach approximately 7' into the required rear yard, and the proposed 4th floor to extend approximately 13' beyond the required 4th floor 10' setback line above 30' in an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

****** NOTICE OF FUTURE AGENDA ITEMS ******

Transit Center District Plan – informational – 10:30a.m.	May 21, 2009
DR REFORM legislative & policy changes	May 14, 2009
Amend Planning Code sections – new controls on massage establishments – 5/21/09	

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING
ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

**ADDENDUM
SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar**

05-01-09P04:12 RCVD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 7, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY - 1 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

4. 2005.0979XE (R. CRAWFORD: (415) 558-6358)
1390 MARKET STREET (AKA FOX PLAZA) - between Polk and Larkin Streets Lot 006,
of Assessor's Block 0813 - **Request under Planning Code Sections 309.1, 148, and
152.1 for determinations of compliance and exceptions for reduction of ground
level wind currents, and off street loading.** The project would demolish the existing
two-story retail and office building adjacent to the existing Fox Plaza office/residential
tower and construct a new 120-foot-tall, 11-story building containing up to 250 residential
units above approximately 19,880 gross square feet of retail use on the ground floor.
This project lies within a C-3-G (Downtown, General Commercial) District and within the
120-X and 200-S Height and Bulk Districts.
Preliminary Recommendation: Approval with Conditions
**(Proposed for Continuance to June 11, 2009) (Proposed for Continuance to May 28,
2009)**

F. REGULAR CALENDAR

15. 2002.1334E (J. NAVARRETE: (415) 575-9040)
555 WASHINGTON STREET/545 SANSOME STREET - Project Draft Environmental
Impact Report southwest corner of Washington and Sansome Streets, Assessor's Block
0207, Lots 033, 035, and 036. **Public Hearing on the Draft Environmental Impact
Report:** The proposed project would demolish the two existing buildings of the subject

lot: 545 Sansome Street is an approximately 57,000 square-foot, nine-story building constructed in 1930, which is considered an historical resource for the purposes of CEQA; 501-505 Washington Street is an adjacent one-story building of approximately 2,000 square feet (sq. ft.) of retail use, constructed in 1977. The proposed project would construct on the subject lots a new 336,585 square-feet, 38-story, 390-foot tall, residential tower containing 248 residential units and amenities, 6,780 sq. ft. ground floor retail, and four subsurface levels for 230 off-street parking spaces. The subject property is within the C-3-O (Downtown Office) Zoning District and a 200-S Height and Bulk District.

Preliminary Recommendation: No Action Required

Note: written comments will be accepted at the Planning Department until the close of business on May 11, 2009.

Adjournment:

****** NOTICE OF FUTURE AGENDA ITEMS ******

Transit Center District Plan – informational – 10:30a.m.

May 21, 2009

DR REFORM legislative & policy changes

May 14, 2009

Amend Planning Code sections – new controls on massage establishments – 5/21/09

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

**SAN FRANCISCO
PLANNING COMMISSION
&
BUILDING INSPECTION
COMMISSION**

**Notice of Joint
Meeting**

Board of Supervisors Chambers - Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 7, 2009

6:00 PM

Joint Meeting

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

05-01-09PC1:02 RCV

GOVERNMENT
DOCUMENTS DEPT

MAY - 1 2009

SAN FRANCISCO
PUBLIC LIBRARY

6:00 PM _____

ROLL CALL:

PLANNING COMMISSION: President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee;
Kathrin Moore; Hisashi Sugaya

BUILDING INSPECTION COMMISSION: President: Mel Murphy
Vice-President: Reuben Hechanova
Commissioners: Kevin Clinch; Frank Lee; Robin Levitt; Criss Romero;
Debra Walker

A. SPECIAL CALENDAR

1. Discussion regarding permit extensions and renewals.
2. Community Action Plan for Seismic Safety (CAPSS) update.
3. Code Enforcement Procedures update.
4. Discussion regarding tall buildings.
5. Permit and Project Tracking System update.

Adjournment:

****** NOTICE OF FUTURE AGENDA ITEMS ******

JOINT HEARING with RECREATION AND PARK COMMISSION May 7, 2009, 11 a.m.
- Sue Bierman Park (formerly known as "Ferry Park," allocation of funds from
the Downtown Park Special Fund for improvements to Ferry Park
- 555 Washington

Transit Center District Plan – informational – 10:30a.m. May 21, 2009
DR REFORM legislative & policy changes May 14, 2009
Amend Planning Code sections – new controls on massage establishments – 5/21/09

*NOTE: Hearing dates listed above may be tentative. This notice is not final public
notification, but is intended to inform interested parties about up-coming items.*
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ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.**

**ADDENDUM
SAN FRANCISCO
PLANNING COMMISSION
&
BUILDING INSPECTION
COMMISSION**

**Notice of Joint
Meeting**

**Board of Supervisors Chambers - Room 250
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, May 7, 2009
6:00 PM
Joint Meeting**

Commission Secretary: Linda D. Avery

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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

05-05-09A08:46 RCVD

GOVERNMENT
DOCUMENTS DEPT

MAY - 5 2009

SAN FRANCISCO
PUBLIC LIBRARY

6:00 PM _____

ROLL CALL:

PLANNING COMMISSION: President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee;
Kathrin Moore; Hisashi Sugaya

BUILDING INSPECTION COMMISSION: President: Mel Murphy
Vice-President: Reuben Hechanova
Commissioners: Kevin Clinch; Frank Lee; Robin Levitt; Criss Romero;
Debra Walker

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1. Discussion regarding permit extensions and renewals.
2. Community Action Plan for Seismic Safety (CAPSS) update.
3. Discussion regarding Entitlement, Permit Processing and Code Enforcement Procedures update.
4. Discussion regarding tall buildings.
5. Permit and Project Tracking System update.

Adjournment:

****** NOTICE OF FUTURE AGENDA ITEMS ******

JOINT HEARING with RECREATION AND PARK COMMISSION May 7, 2009, 11 a.m.
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Amend Planning Code sections – new controls on massage establishments – 5/21/09

*NOTE: Hearing dates listed above may be tentative. This notice is not final public
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**ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING
ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.**

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

05-11-09A08:39 RCVD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 14, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY 11 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>,
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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sotf@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.0261T (A.RODGERS: (415) 558-6395)
AMENDMENTS TO PLANNING CODE SECTIONS 803.4 AND 815: MESSAGE SERVICES IN SOUTH OF MARKET RESIDENTIAL/SERVICE MIXED USE DISTRICT. [BOARD FILE NO. 09-0321] - Ordinance introduced by Supervisor Dufty amending San Francisco Planning Code by amending Section 803.4 Uses Prohibited in SoMa Districts, Section 815 Residential/Service Mixed Use District, and Table 815 to allow a business operating as a full-service spa to provide massage services with a Conditional Use authorization; defining a "full-service spa" and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval with modification.
(Proposed for Continuance to May 21, 2009)
2. 2005.0979E (D. LEWIS: (415) 575-9095)
FOX PLAZA EXPANSION (1390 MARKET STREET) - Appeal of a Mitigated Negative Declaration. The project site (Assessor's Block 0813, Lot 006) is located on the northwest corner of Market and 9th Streets in the Downtown/Civic Center area. The proposed project would demolish an existing two-story retail and office building and construct a new 120-foot-tall, 11-story building containing up to 250 dwelling units and approximately 19,880 gross square feet of ground-floor retail use. There would be no change to the existing Fox Plaza mixed-use tower, and no new parking would be provided (18 existing spaces would be removed); parking for the new residential units would be within the existing two-level basement garage at Fox Plaza, accessed from Hayes Street. The project site is located in a C-3-G (Downtown General Commercial) Use District and a 120-X/200-S Height and Bulk District.
Preliminary Recommendation: Uphold Mitigated Negative Declaration
(Proposed for Continuance to May 28, 2009)
3. 2009.0268T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE BY ADDING SECTION 790.107 TO DEFINE A PHILANTHROPIC ADMINISTRATIVE SERVICE USE [BOARD FILE NO. 09-0367]. Ordinance introduced by Supervisor Alioto-Pier that would add Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet NZ02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street) from RH-2 to NCD; and adopting findings, including Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Preliminary Recommendation: Approval.
(Proposed for Continuance to May 28, 2009)

4. 2008.1014C (J. IONIN: (415) 558-6309)
652 STANYAN STREET - east side between Page and Haight Streets, Assessor's Block 1228, Lot 008 - **Request for Conditional Use Authorization** under Planning Code Section 209.6 (Public Facilities and Utilities) for AT&T Wireless to co-locate six antennas on the roof (concealed within RF transparent material) and associated equipment cabinets in the basement of the subject property. The project lies within an RM-2 (Residential, Mixed, Moderate Density) District and a 50-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of April 23, 2009)
(Proposed for Continuance to July 9, 2009)

- 5a. 2006.1065DDDD (S. VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lots 036 and 037 (formerly Lot 005) in Assessor's Block 1258 - **Requests for Discretionary Review** of Building Permit Application No. 2006.09.20.2886, proposing to demolish an existing garage and to construct a new four-story, three-unit building at 52 Alpine Terrace that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East (requiring a Variance, Item 2b) in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The existing three-car garage structure at 52 Alpine Terrace would be demolished.
Preliminary Recommendation: Do not take Discretionary Review and Approve
(Continued from Regular Meeting April 16, 2009)
REQUESTS FOR DISCRETIONARY REVIEW WITHDRAWN

- 5b. 2006.1065V (S. VELLVE (415) 558-6263)
145-149 BUENA VISTA AVENUE EAST/52 ALPINE TERRACE - west side between Waller Street and Duboce Avenue; Lots 036 and 037 (formerly Lot 005) in Assessor's Block 1258 - **Request for a Parking Variance** for two required off-street parking spaces that would be provided on a separate lot than the dwelling units in an RH-3 (Residential House, Three-Family) Zoning District and a 40-X Height and Bulk District. The project proposes to demolish an existing garage and to construct a new four-story, three-unit building that, in addition to providing its own required parking, would provide parking for a two-unit building at 145-149 Buena Vista East. The request will be heard by the Zoning Administrator.
(Continued from Regular Meeting of April 16, 2009)
NOTE: As a result of the withdrawal of the requests for Discretionary Review, this item will be moved to the Variance Calendar and is tentatively scheduled to be heard by the Zoning Administrator on Wednesday, May 27, 2009.

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

6. Consideration of Adoption:
- Draft Minutes of Regular Meeting of January 22, 2009.
 - Draft Minutes of Regular Meeting of March 5, 2009.
7. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

8. Director's Announcements
9. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed must do so at this time. Each member of the public may address the Commission for up to three minutes.

F. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

10. 2008.1161C (A. PUTRA: (415) 575-9079)
99 WEST PORTAL AVENUE - northeast corner of West Portal Avenue and Vicente Street, Assessor's Block 2979A; Lot 021A - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 729.51, and 303 to allow a ground floor medical service use (dba "Dean L. Duncan, DDS") in the West Portal Neighborhood Commercial District, and 26-X Height and Bulk District.
Preliminary Recommendation: Disapproval
(Continued from Regular Meeting of April 23, 2009)
NOTE: On March 26, 2009, following public testimony, the Commission closed the public hearing and passed a motion of intent to approve with modifications to require more transparency into ground level; provide more attractive awnings; continue working with department staff on design and material to enhance the exterior façade by a vote of +6 -1; Commissioner Olague voted against. Final Language April 9, 2009.

G. REGULAR CALENDAR

11. RECREATION AND OPEN SPACE ELEMENT UPDATE - (S. DENNIS PHILLIPS (415) 558-6314) **Informational presentation** of the draft for public review of the Recreation and Open Space Element of the City's General Plan. The Planning Department, the Mayor's Office of Greening and the Recreation and Parks Department have been working with the Mayor's Open Space Task Force and the community at large to develop a comprehensive framework for the future

of open space in San Francisco. A major component of this framework is an update to the Recreation and Open Space Element (lasted updated in 1986), which provides the goals, objectives, and policies that will guide open space development, acquisition, preservation and priorities for the City over the next 25 years. This presentation will introduce the major themes of the update to aid in Commissioner and public review; subsequent hearings will be scheduled for further discussion and revisions to the draft through the summer and fall. No action is required at this time.

12. 2007.0584C (E. WATTY: (415) 558-6620)
2298 MARKET STREET - northeast corner at Noe Street; Lot 015 in Assessor's Block 3560 - **Report on Compliance with Conditions of Approval**, pursuant to the Conditions of Approval imposed under Motion No. 17518, in relation to the authorization for extended hours of operation and "other entertainment" for the existing large fast-food restaurant, dba Café Flore. The Department will present a report regarding compliance with those Conditions of Approval and ask the Commission to consider extending the permissible hours of operation for the outdoor patio area, as provided under Condition No. 9 of Motion No. 17518. The Subject Property is located in the Upper Market Transit Oriented Neighborhood Commercial District and 50-X Height and Bulk District. Preliminary Recommendation: Find the Use in Compliance with the Conditions of Approval.
13. (E. WATTY: (415) 558-6620)
The Health Commission is seeking comments from the Planning Commission regarding the information that they would find useful for the Health Planner's review of CPMC's IMP. Alicia Neumann from the Health Department will provide a presentation.
- 14a. 2007.1464EKXC~~V~~ (A. HOLLISTER: (415) 575-9078)
1036 MISSION STREET - north side between Sixth and Seventh Streets, a through-lot to Jessie Street - **Review under Planning Code Section 309** of new construction of a nine- to 13-story, 120-foot-tall, mixed-use building containing approximately 100 all-affordable dwelling units, ground floor retail space, common community space and no off-street parking spaces, requiring the granting of exceptions for rear-yard area, building bulk, freight loading and height limits for vertical extensions on Lots 079 & 080 in Assessor's Block 3703, in a C-3-G (Downtown General Commercial) District and a 120-F Height and Bulk District.
(Continued from Regular Meeting of May 7, 2009)
- 14b. 2007.1464EKXC~~V~~ (A. HOLLISTER: (415) 575-9078)
1036 MISSION STREET - north side between Sixth and Seventh Streets, a through-lot to Jessie Street - **Request for authorization of Conditional Use** pursuant to Planning Code Section 124(f) for additional floor area (up to an FAR of 7.7:1) above the base FAR of 6.0:1 of floor area to be devoted to affordable housing in conjunction with the construction of a nine- to 13-story, 120-foot-tall, mixed-use building containing approximately 100 all-affordable dwelling units, ground floor retail space, common community space and no off-street parking spaces, Lots 079 & 080 in Assessor's Block 3703, in a C-3-G (Downtown General Commercial) District and a 120-F Height and Bulk District.
(Continued from Regular Meeting of May 7, 2009)
- 14c. 2007.1464EKXC~~V~~ (A. HOLLISTER: (415) 575-9078)
1036 MISSION STREET - north side between Sixth and Seventh Streets, a through-lot to Jessie Street - **Request for Variance** of the dwelling-unit-exposure standards (Planning Code Section 140), usable open space standards (Planning Code Section 135) and standards for a vertical projection over a public right-of-way in conjunction with the construction of a mixed use building containing approximately 100 all affordable dwelling units, ground floor retail space, common community space and no off-street parking

spaces on Lots 079 & 080 in Assessor's Block 3703, in a C-3-G (Downtown General Commercial) District and a 120-F Height and Bulk District.
(Continued from Regular Meeting of May 7, 2009)

15. 2008.0194C (S. LAI: (415) 575-9087)
4092-4096 18TH STREET (A.K.A. 499 CASTRO STREET) - northeast corner of Castro Street and 18TH Street; on Lot 057 in Assessor's Block 3582 - **Request for Conditional Use** authorization under Planning Code Sections 715.49 and 303, to establish a financial service, retail bank, (DBA "Chase"), within the Castro (Neighborhood Commercial District) and a 65-B Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
- 16a. 2007.1121XV (B. FU: (415) 558- 6613)
430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Request under Planning Code Sections 309.1, 825, and 827 for determinations of compliance and exceptions for dwelling unit exposure.** The subject property is located within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation. The project proposal is to construct a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces. The project also requires a Variance for open space, to be heard and considered by the Zoning Administrator at the same hearing.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of April 9, 2009)
NOTE: On April 9, 2009, following public testimony, the commission continued this item and item 16b to May 14, 2009 with instructions to the project sponsor to engage in community outreach and work with Department staff and the neighbors on design and the concerns of the neighbors. Public hearing remains open.
- 16b. 2007.1121XV (B. FU: (415) 558- 6613)
430 MAIN STREET / 429 BEALE STREET - north to south through lot between Main and Beale Streets, and between Harrison Street to the west and Bryant Street to the east; Lots 305 & 306 in Assessor's Block 3767 - **Variance request** to allow reduction of the required open space per Planning Code Sections 135 and 827, for the proposed construction of a new eight-story, 84-foot building consisting of up to 113 dwelling units over a below-grade parking structure for up to 57 spaces within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with an 84-X Height and Bulk Designation.
(Continued from Regular Meeting of April 9, 2009)
NOTE: On April 9, 2009, following public testimony, the commission continued this item and item 12a to May 14, 2009 with instructions to the project sponsor to engage in community outreach and work with Department staff and the neighbors on design and the concerns of the neighbors. Public hearing remains open.
17. 2007.0128E (L. KIENKER: (415) 575-9036)
2901 CALIFORNIA STREET - southwest corner of California and Broderick Streets, Lots 095 and 003, in Assessor's Block 1029 - **Certification of the Final Environmental Impact Report**, for the project at 1831-1835 Broderick Street to demolish an existing three-unit residential building constructed in 1891 and build an approximately 15,604 square-foot (sq.ft.) addition to the existing Drew School at 2901 California Street, accommodating a three-story assembly and classroom wing, with no change to off-street parking, within the RM-1 (Residential, Mixed, Low Density District) and 40-X Height and Bulk District.
NOTE: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on November 24, 2008. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be

presented to the Planning Commission during the Public Comment portion of the Commission calendar.

Preliminary Recommendation: Certify the Final EIR

(Continued from Regular Meeting of April 23, 2009)

- 18a. 2007.0128CV (A. STARR: (415) 575-6810)
2901 CALIFORNIA STREET - southwest corner of California and Broderick Streets, Lots 095 and 003, in Assessor's Block 1029 - **Request for Conditional Use Authorization** under Planning Code Sections 209.3, 303 and 317 to modify the Conditional Use Authorization approved on October 14, 1999 (Motion # M14898, Case # 1998.244C) to allow an existing private secondary school (the Drew School) to expand its facility to include 4 new classrooms and a flexible assembly space, to increase its enrolment cap from 250 to 280 students and to demolish an existing 3-unit residential building located at 1831-1835 Broderick Street adjacent to the Drew School within an RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions
(Continued from Regular Meeting of April 23, 2009)
- 18b. 2007.0128CV (A. STARR: (415) 575-6810)
2901 CALIFORNIA STREET - southwest corner of California and Broderick Streets, Lots 095 and 003, in Assessor's Block 1029 - **Request for Variances from the rear yard and permitted obstruction requirements** pursuant to Sections 134 and 136(d)(2) of the Planning Code, to allow the proposed building expansion to be located within the required rear yard and to construct a bay window projecting over the sidewalk that does not conform to the size limitations outlined in the Planning Code. The Zoning Administrator will consider the request following the Planning Commission's consideration of the Conditional Use authorization.
(Continued from Regular Meeting of April 23, 2009)
19. 2008.0327D (A. PUTRA: (415) 575-9079)
2012 14th AVENUE - east side between Radio Terrace and Quintara Street; Lot 001 in Assessor's Block 2133A - **Request for Discretionary Review** of Building Permit Application No. 2008.01.09.2158, proposing construction of a two-story addition at the rear of an existing two-story over garage level, single-family house in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.
- 20a. 2008.1257DV (S. VELLVE: (415) 558-6283)
464 HICKORY STREET - north side between Buchanan and Laguna Streets; Lot 022A in Assessor's Block 0830 - **Request for Discretionary Review** of Building Permit Application No. 2008.09.26.2732, proposing to legalize a second dwelling unit constructed without the benefit of permits on the ground floor of the existing single-family dwelling within an RTO (Residential, Transit Oriented) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and disapprove the project.
- 20b. 2008.1257DV (S. VELLVE: (415) 558-6283)
464 HICKORY STREET - north side between Buchanan and Laguna Streets; Lot 022A in Assessor's Block 0830 - **Request for Variance** of the open space (Planning Code Section 135) and dwelling unit exposure standards (Planning Code Section 140) in conjunction with the legalization of a second dwelling unit pursuant to Building Permit Application No. 2008.09.26.2732 within an RTO (Residential, Transit Oriented) District

6:30 P.M

- 21a. 2009.0227TU (E. FORBES: (415) 558-6417)
DISCRETIONARY REVIEW REFORM: COMMISSION POLICIES AND PROCEDURES -
Consideration of adoption of policies and procedures to reform discretionary review, including implementation of an improved and standardized pre-application process, improved public information access, a more consistent and predictable design review process, a definition and application of "exceptional and extraordinary circumstances", renaming the "Residential Design Guidelines" to "Residential Design Standards," allowing requests for Planning Department reconsideration of Residential Design Standards application, and a defined timeline for the processing of discretionary review applications.
Preliminary Recommendation: Adoption
NOTE: On April 2, 2009, following public testimony, the Commission passed a motion to continue the item to the call of the chair
- 21b. 2009.0227TU (E. FORBES: (415) 558-6417)
DISCRETIONARY REVIEW REFORM: AMENDMENTS TO PLANNING CODE
SECTIONS 311 AND 312 - an Ordinance to amend Planning Code Sections 311, 312, 352 and 355, to state that a request for discretionary review will be heard by the Planning Commission or its designee, if the application demonstrates exceptional and extraordinary circumstances, to change all Planning Code references of the "residential design guidelines" to "residential design standards," to enjoin project sponsors from requesting discretionary review on their own projects, to amend Planning Code Section 352 to clarify that Mandatory Discretionary Reviews includes Planning Department initiated reviews, and to amend Planning Code Section 355 to allow for the collection and refund of fees associated with Planning Department reconsideration of Residential Design Standards application, and to adopt environmental and Planning Code Section 302 findings.
Preliminary Recommendation: Recommend adoption to the Board of Supervisors
NOTE: On April 2, 2009, following public testimony, the Commission adopted a resolution of intent to initiate Code amendments for hearing on May 14, 2009.

H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

****** NOTICE OF FUTURE AGENDA ITEMS ******

Transit Center District Plan – informational – 10:30a.m. May 21, 2009
Amend PC sections – new controls on massage establishments – 5/21/09

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.
ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING
ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

SAN FRANCISCO PLANNING COMMISSION Notice of Special Meeting & Calendar

05-18-09A11:00 RCD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, May 21, 2009
10:30 AM

GOVERNMENT
DOCUMENTS DEPT

MAY 18 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp
Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

A. SPECIAL CALENDAR

(J. SWITZKY: (415) 575-6815)

TRANSIT CENTER DISTRICT PLAN - Informational Discussion - Planning Department staff will present information for discussion with the Commission on two aspects of the ongoing Transit Center District Plan: (1) the draft financial program for the Plan, including proposed mechanisms and projected revenues; and (2) land use, including consideration of job space and residential uses. A public workshop is scheduled for Tuesday May 26th at Golden Gate University to present the financial program (More information at <http://transitcenter.sfplanning.org>).

Adjournment:

***** NOTICE OF FUTURE AGENDA ITEMS *****

Proposed Legislation adding Western SoMa seat to the Eastern Neighborhoods Citizens Advisory Committee	May 28, 2009
Proposed Amendment to the Building Code – Registration of Vacant/Abandoned Buildings; Annual Fee and Penalties for Violation	June 4, 2009

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING
ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting &

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 21, 2009

1:30 PM

Regular Meeting

05-18-09A11:00 REVD

GOVERNMENT
DOCUMENTS DEPT

MAY 18 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices. *(67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).*

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.1008T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE BY AMENDING APPENDIX K OF ARTICLE 10: BUSH STREET/COTTAGE ROW HISTORIC DISTRICT (Board File No. 08-1251). Ordinance introduced by Supervisor Mirkarimi to amend to Appendix K of Article 10 of San Francisco Planning Code: Bush Street/Cottage Row Historic District, by adding a new Section 7 to set forth additional requirements for Certificates of Appropriateness; and adopting findings, including Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
(Continued from Regular Meeting of May 7, 2009)
(Proposed for Continuance to May 28, 2009)
- 2a. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007 - **Consideration of Adoption of CEQA Findings and Request for Conditional Use Authorization** under Planning Code Sections 228 (Service Station Conversion), 731.11 (Development Lot Size) and 731.94 (Residential Off-street Parking) for the conversion of a service station and construction of a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking below for up to 91 off-street parking spaces. The project lies within an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area.
Preliminary Recommendation: Approval with Modifications and Conditions
(Continued from Regular Meeting of April 16, 2009)
NOTE: On April 16, 2009, following public testimony, the commission continued this item to 5/21/09 with instructions to Project Sponsor to reach out to the neighborhood more and continue working with staff on the design. Public hearing remains open (+7 -0).
(Proposed for Continuance to June 4, 2009)
- 2b. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007, located in an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area. **REAR YARD, USABLE OPEN SPACE, AND EXPOSURE VARIANCES SOUGHT:** The proposal is to demolish the service station and construct a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces.
(Continued from Regular Meeting of April 16, 2009)
(Proposed for Continuance to June 4, 2009)

3. 2006.0430E (J. RANGE: (415) 575-9018)
870 HARRISON STREET - north side of Harrison Street between 4th and 5th Streets; Lot 019 of Assessor's Block 3752 - **Appeal of Preliminary Mitigated Negative Declaration** for the proposed demolition of an existing vacant industrial building and construction of a 65-foot tall mixed use Production Distribution and Repair (PDR) and residential building. The approximately 26,385 square foot (sf) building would include either 4,050 sf of ground floor PDR space or 2,560 sf of ground floor PDR space to accommodate a 25 percent at grade rear yard. The project would also include 26 dwelling units, with a total of 16 parking spaces. The project is located within the West South of Market neighborhood and is within a Residential/ Service District (RSD) and a 40-X/85-B height and bulk district.
 Preliminary Recommendation: Uphold Preliminary Negative Declaration
(Proposed for Continuance to June 18, 2009)
- 4a. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Conditional Use Authorization** under Planning Code Sections 253, 303 and 317 to construct a building higher than 40' in height and to demolish the two-unit, two-story over garage building with four bedrooms, and to construct a two-unit, three-story over garage with penthouse building with 5 bedrooms in a RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
 Preliminary Recommendation: Disapprove
(Proposed for Continuance to June 4 2009)
- 4b. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Variances** from the front setback and rear yard requirements pursuant to Sections 132 and 134 of the Planning Code, to allow the proposed building to be located within the required 6' front setback and to be located within the required 15' rear yard setback within an RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
(Proposed for Continuance to June 4, 2009)
5. 20092009.0262T (A. RODGERS: (415) 558-6395)
AMENDMENTS TO THE PLANNING CODE SECTIONS 263.20, 711.1, AND 712.1; SPECIAL HEIGHT EXEMPTION IN DISTRICT 11 ALONG RANDOLPH AND BROAD STREETS. [BOARD FILE NO. 090319]. Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the NC-2 and NC-3 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Sections 711.1 and 712.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
(Proposed for Indefinite Continuance)

E. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

6. 2008.0479C (B. FU: (415) 558-6322)
1075 EVANS STREET - west side of Hunters Point Blvd., Lot 005, Assessor's Block 4603A - **Request for Conditional Use Authorization** under Planning Code Sections 711.83 and 790.80 to install a wireless telecommunications facility on a Location Preference 1 (Preferred Location – Publicly-used structures) according to the Wireless Telecommunications Services (WTS) Siting Guidelines and consist of two panel antennas on an existing 90'-7" tall lattice tower and related equipment on the ground as part of AT&T's wireless telecommunications network within a NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions.

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

7. Consideration of Adoption:
- Draft Minutes of Regular Meeting of April 2, 2009.
 - Draft Minutes of Regular Meeting of April 16, 2009.
 - Draft Minutes of Regular Meeting of April 23, 2009.
 - Draft Minutes of Regular Meeting of May 7, 2009.
8. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

9. Director's Announcements
10. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
11. (K. AMDUR: (415) 558-6351)
Egon Terplan, Economic Development and Governance Policy Director with SPUR, will give a presentation on "The Future of Downtown."

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

12. 2009.0314T (L. LANGLOIS: (415) 575-9063)
AMENDMENTS RELATING TO PLANNING CODE SECTION 249.42 OF THE INDIA BASIN INDUSTRIAL PARK SPECIAL USE DISTRICT. - Ordinance introduced by Supervisor Maxwell amending Planning Code Sections 249.42 of the India Basin Industrial Park Special Use District to exempt certain parcels within the Special Use District from all minimum off-street parking requirements, while leaving existing accessory parking limits unchanged; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
13. 2009.0277T (A. RODGERS: (415) 558-6395)
AMEND PLANNING CODE SECTION 218, 303, 790.60 AND 890.60 – Ordinance introduced by Supervisor Chu Creating New Controls for Massage: Amendments to Planning Code Sections 218, 303, 790.60, and 890.60 and Zoning Control Tables 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1. [Board File No. 090402]. Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts.
Preliminary Recommendation: Approval
14. 2009.0261T (A. RODGERS: (415) 558-6395)
AMENDMENTS TO PLANNING CODE SECTIONS 803.4 AND 815: MESSAGE SERVICES IN SOUTH OF MARKET RESIDENTIAL/SERVICE MIXED USE DISTRICT. [BOARD FILE NO. 09-0321] - Ordinance introduced by Supervisor Dufty amending San Francisco Planning Code by amending Section 803.4 Uses Prohibited in SoMa Districts, Section 815 Residential/Service Mixed Use District, and Table 815 to allow a business operating as a full-service spa to provide massage services with a Conditional Use authorization; defining a “full-service spa” and adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval with modification.
(Continued from Regular Meeting of May 14, 2009)
- 15a. 2006.0884CEU (M. SMITH: (415) 558-6322)
1150 OCEAN AVENUE - north side between Phelan and Plymouth Avenues, Lot 003 in Assessor's Block 3180 – **Request for Conditional Use Authorization** pursuant to Planning Code Sections: 737.11, for development of a lot that is greater than 9,999 square-feet; 737.21, for development of a non-residential use size that is greater than 3,999 square-feet; 703.4, for a formula retail grocery store; 737.22, for parking at a ratio of 1:250 square-feet for a retail grocery store; and Planning Code Sections 303 and 304 to allow a Planned Unit Development (PUD) with a request for exceptions from Planning Code Sections: 134 (rear yard); 135 (open space dimensions); 136 (permitted obstructions over streets and alleys); and 145.4(c) (for a nonresidential use to occupy more than 75 contiguous linear feet along Ocean Avenue), for a project proposing the demolition of an existing commercial building and surface parking lot and the construction of two new mixed-use, five-story, 55-foot-tall buildings totaling approximately 318,300 gross square feet (gsf) with 237 off-street parking spaces. The project would include 173

dwelling units, approximately 29,205 gsf of ground-floor commercial uses that includes a formula retail grocery store (tenant not yet determined). The existing commercial building on the project site proposed for demolition is occupied by a retail automotive parts store (D.B.A. "Kragen") and an automotive service station (D.B.A. "Wheel Works"). The project site is located within the Ocean Avenue NC-T (Neighborhood Commercial Transit) District and a 55-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

- 15b. 2006.0884CEU (M. SMITH: (415) 558-6322)
1150 OCEAN AVENUE - north side between Phelan and Plymouth Avenues, Lot 003 in Assessor's Block 3180 - **Consideration of Adoption of CEQA Findings** for a project proposing the demolition of an existing commercial building and surface parking lot and the construction of two new mixed-use, five-story, 55-foot-tall buildings totaling approximately 318,300 gross square feet (gsf) with 173 dwelling units, 237 off-street parking spaces, and approximately 29,205 gsf of ground-floor commercial uses that includes a formula retail grocery store (tenant not yet determined). The project site is located within the Ocean Avenue NC-T (Neighborhood Commercial Transit) District and a 55-X Height and Bulk District.
Preliminary Recommendation: Approve the Draft Motion Adopting the CEQA Findings.
- 15c. 2006.0884CEU (M. SMITH: (415) 558-6322)
1150 OCEAN AVENUE - north side between Phelan and Plymouth Avenues, Lot 003 in Assessor's Block 3180 - **Request for Approval of the In-Kind Agreement** between the City and County of San Francisco and the project sponsor pursuant to Section 330.3(f) of Ordinance 61-09 in order to reduce the project's Fee obligation to the Balboa Park Community Improvements Fund for a project proposing the demolition of an existing commercial building and surface parking lot and the construction of two new mixed-use, five-story, 55-foot-tall buildings totaling approximately 318,300 gross square feet (gsf) with 173 dwelling units, 237 off-street parking spaces, and approximately 29,205 gsf of ground-floor commercial uses that includes a formula retail grocery store (tenant not yet determined). AvalonBay Communities, Inc. and Pacific Resources LLC (collectively the "Project Sponsor") have requested that the City enter into an In-Kind Agreement relating to a public sidewalk easement (known as the "Brighton Avenue Public Sidewalk Easement") and the construction of a street (known as the "Lee Avenue Extension"), in order to reduce its fee obligation per the terms of the Ordinance. The project site is located within the Ocean Avenue NC-T (Neighborhood Commercial Transit) District and a 55-X Height and Bulk District.
Preliminary Recommendation: Approve the In-Kind Agreement
16. 2006.0401D (E. WATTY: (415) 558-6620)
395 ATHENS STREET - south side between Brazil and Excelsior Avenues; Lot 014, in Assessor's Block 6022 - **Request for Discretionary Review** of Building Permit Application No. 2003.12.24.3005, proposing construction of a four-story, two-family dwelling on a vacant lot. The subject property is located within the RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the Project as proposed.
(Continued from Regular Meeting of April 23, 2009)

F. PUBLIC COMMENT

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Adjournment:

***** NOTICE OF FUTURE AGENDA ITEMS *****

**Proposed Legislation adding Western SoMa seat to the
Eastern Neighborhoods Citizens Advisory Committee**

May 28, 2009

**Proposed Amendment to the Building Code – Registration of
Vacant/Abandoned Buildings; Annual Fee and Penalties for
Violation**

June 4, 2009

*NOTE: Hearing dates listed above may be tentative. This notice is not final public
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ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.**

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, May 28, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

MAY 22 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.0319X (C. TEAGUE: (415) 575-9081)
340 FREMONT STREET - south side between Harrison and Folsom Streets, Lots 006 to 009 in Assessor's Block 3748 - **Request under Planning Code Sections 309.1, 825 and 827 for the authorization of a change in previously approved conditions of approval** to extend the performance period within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with a 85/250-R Height And Bulk Designation.
Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to June 11, 2009)
2. 2009.0237X (B. FU: (415) 558-6613)
399 FREMONT STREET - northeast corner of Harrison and Fremont Streets, Lot 002 in Assessor's Block 3747 - **Request under Planning Code Sections 309.1, 825 and 827 for the authorization of a change in previously approved conditions of approval** to extend the performance period within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District With A 85/400-R Height And Bulk Designation.
Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to June 11, 2009)
3. 2009.0191X (B. FU: (415) 558-6613)
45 LANSING STREET - south side of Lansing Street on a through lot that also fronts Harrison Street, between First and Essex Streets, Lot 059 in Assessor's Block 3749 - **Request under Planning Code Sections 309.1, 825 and 827 for the authorization of a change in previously approved conditions of approval** to extend the performance period within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District With A 65/400-R Height And Bulk Designation.
Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to June 11, 2009)

B. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Comments/Questions
 - Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

5. Director's Announcements
6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
7. (L. BADINER: (415) 558-6350)
Informational Hearing to discuss the Department's implementation of Planning Commission decisions including: (1) conditions of approval, and (2) conformity with approved plans and permissible design refinement.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

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E. REGULAR CALENDAR

8. 2009.0381U (S. WERTHEIM: (415) 558-6612)
PROPOSED LEGISLATION ADDING WESTERN SOMA SEAT TO THE EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE PROPOSED LEGISLATION REGARDING EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE - The Planning Commission will consider providing comments on a proposed Board Ordinance amending the Administrative Code Sec. 10E.9 that would enable the Western SoMa Planning Area Task Force to appoint a seat to the Eastern Neighborhoods Citizens Advisory Committee. The Planning Commission will also consider providing comments on a proposal to enable the District 9 Supervisor to appoint an additional seat to the Eastern Neighborhoods Citizens Advisory Committee.
Preliminary Recommendation: Approval with modifications
9. 2008.1008T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE BY AMENDING APPENDIX K OF ARTICLE 10: BUSH STREET/COTTAGE ROW HISTORIC DISTRICT [Board File No. 08-1251].
Ordinance introduced by Supervisor Mirkarimi to amend to Appendix K of Article 10 of San Francisco Planning Code: Bush Street/Cottage Row Historic District, by adding a new Section 7 to set forth additional requirements for Certificates of Appropriateness; and adopting findings, including Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
(Continued from Regular Meeting of May 21, 2009)
10. 2009.0268T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE BY ADDING SECTION 790.107 TO DEFINE A PHILANTHROPIC ADMINISTRATIVE SERVICE USE [BOARD FILE NO. 09-0367].
Ordinance introduced by Supervisor Alioto-Pier that would add Section 790.107 to define a Philanthropic Administrative Service Use and by adding 718.85 to the Zoning Control Table in Section 718 to authorize a Philanthropic Administrative Service Use as a permitted use in the Upper Fillmore Street Neighborhood Commercial District; amending Sheet NZ02 of the Zoning Maps of the City and County of San Francisco to change the zoning for Assessor's Block 0630, Lot 032 (2503 Clay Street)

from RH-2 to NCD; and adopting findings, including Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Preliminary Recommendation: Approval.

(Continued from Regular Meeting of May 14, 2009)

11. (R. DUDLEY: (415) 575-9068)
JAPANTOWN BETTER NEIGHBORHOOD PLAN - First of Two Informational Presentations on the Draft Japantown Better Neighborhood Plan. This two year community planning process has resulted in a draft plan that is seeking endorsement by the Commission on June 25th. The two informal presentations will be organized by topics. This presentation will provide an overview of the planning process and focus on the Draft Plan's recommendations for community and economic development and community heritage. The presentation on June 4th will focus on recommendations for land use, built form and public realm.
 Preliminary Recommendation: No action required.
12. 2009.0126C (D. SÁNCHEZ: (415) 575-9082)
2760 24TH STREET – north side, between York and Hampshire Streets; Lot 016 in Assessor's Block 4210 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 727.26, 727.69A and 303 to allow for the legalization of a Self-Service Specialty Food use (dba Dynamo Donuts) with Walk-Up Facilities within the 24th Street – Mission Neighborhood Commercial Transit District and a 55-X Height and Bulk District
 Preliminary Recommendation: Approval with conditions
13. 2009.0029C (M. WOODS: (415) 558-6315)
3208 SCOTT STREET – (AKA 2396 - 98 LOMBARD STREET) - northeast corner at Lombard Street; Lot 022 in Assessor's Block 0489 - **Request for Conditional Use Authorization** to allow a conversion from residential use to a medical service use for a dental office (dba Cable Car Dental) pursuant to Sections 303(c), 317 and 712.38 of the Planning Code, in the NC-3 (Moderate-Scale Neighborhood Commercial) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
14. 2005.0979E (D. LEWIS: (415) 575-9095)
FOX PLAZA EXPANSION (1390 MARKET STREET) - **Appeal of a Mitigated Negative Declaration.** The project site (Assessor's Block 0813, Lot 006) is located on the northwest corner of Market and 9th Streets in the Downtown/Civic Center area. The proposed project would demolish an existing two-story retail and office building and construct a new 120-foot-tall, 11-story building containing up to 250 dwelling units and approximately 19,880 gross square feet of ground-floor retail use. There would be no change to the existing Fox Plaza mixed-use tower, and no new parking would be provided (18 existing spaces would be removed); parking for the new residential units would be within the existing two-level basement garage at Fox Plaza, accessed from Hayes Street. The project site is located in a C-3-G (Downtown General Commercial) Use District and a 120-X/200-S Height and Bulk District.
 Preliminary Recommendation: Uphold Mitigated Negative Declaration
 (Continued from Regular Meeting of May 14, 2009)
15. 2005.0979XE (R. CRAWFORD: (415) 558-6358)
1390 MARKET STREET (AKA FOX PLAZA) - between Polk and Larkin Streets Lot 006, of Assessor's Block 0813 - **Request under Planning Code Sections 309.1, 148, and 152.1 for determinations of compliance and exceptions for reduction of ground level wind currents, and off street loading.** The project would demolish the existing two-story retail and office building adjacent to the existing Fox Plaza office/residential

tower and construct a new 120-foot-tall, 11-story building containing up to 250 residential units above approximately 19,880 gross square feet of retail use on the ground floor. This project lies within a C-3-G (Downtown, General Commercial) District and within the 120-X and 200-S Height and Bulk Districts.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular meeting of May 7, 2009)

6:30 P.M.

- 16a. 2006.1287D (B. FU: (415) 558-6613)
71 BISHOP STREET - east side between Ankeny and Harkness Streets, Lots 012 and 013 in Assessor's Block 6168 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2006.11.03.6812, proposing the demolition of a one-story over garage, single-family dwelling, located in the RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
(Continued from Regular meeting of May 7, 2009)
- 16b. 2009.0228D (B. FU: (415) 558-6613)
71 BISHOP STREET - east side between Ankeny and Harkness Streets, Lots 012 and 013 in Assessor's Block 6168 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2006.11.03.6814, proposing the construction of two new two-story over garage, single-family dwellings, located in the RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.
(Continued from Regular meeting of May 7, 2009)
17. 2009.0256D (S. VELLVE: (415) 558-6263)
1760-1770 FILBERT STREET - north side between Gough and Octavia Streets; Assessor's Block 0520, Lot 012 - **Request for Discretionary Review** of Building Permit Application No. 2008.01.27.5213 proposing to legalize an approximately 10-foot wide one-story side horizontal addition to the east property line (not visible from the street) to an existing 16-unit building located in an RH-3 (House, Three-Family) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.
- 18a. 2009.0048DV (S. VELLVE: (415) 558-6263)
316-318 MAPLE STREET - east side between Clay and Sacramento Streets; Assessor's Block 1012, Lot 022 - **Mandatory Discretionary Review**, pursuant to Section 317 of the Planning Code, of Building Permit Application No. 2007.12.18.0719 proposing to reconfigure the existing three-story five-unit building into three dwelling units in an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and deny the Dwelling Unit Merger.
- 18b. 2009.0048DV (S. VELLVE: (415) 558-6263)
316-318 MAPLE STREET - east side between Clay and Sacramento Streets; Assessor's Block 1012, Lot 022 - **Request for Rear Yard and Noncomplying Structure Variances** pursuant to Sections 134 and 188 of the Planning Code to allow the construction of an approximately 7' x 18' addition at the rear of the first floor of a three-story building containing five dwelling units (proposed to contain three) located in an RH-3 (Residential, House, Three-Family) Zoning District and a 40-X Height and Bulk District.

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05-29-09P02:12 RCVD

Commission Chambers - Room 400
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Thursday, June 4, 2009
1:30 PM
Regular Meeting

GOVERNMENT
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MAY 29 2009

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A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. (R. DUDLEY: (415) 575-9068)
JAPANTOWN BETTER NEIGHBORHOOD PLAN - Second of Two Informational Presentations on the Draft Japantown Better Neighborhood Plan. This two year community planning process has resulted in a draft plan that is seeking endorsement by the Commission on June 25th. The two informal presentations will be organized by topics. The first presentation provided an overview of the planning process and focused on the Draft Plan's recommendations for community and economic development and community heritage. The presentation on June 18th will focus on recommendations for land use, built form and public realm.
Preliminary Recommendation: No action required.
(Proposed for Continuance to June 18, 2009)
- 2a. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Conditional Use Authorization** under Planning Code Sections 253, 303 and 317 to construct a building higher than 40' in height and to demolish the two-unit, two-story over garage building with four bedrooms, and to construct a two-unit, three-story over garage with penthouse building with 5 bedrooms in a RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
Preliminary Recommendation: Disapprove
(Continued from Regular Meeting of May 21, 2009)
(Proposed for Continuance to June 18, 2009)
- 2b. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Variances** from the front setback and rear yard requirements pursuant to Sections 132 and 134 of the Planning Code, to allow the proposed building to be located within the required 6' front setback and to be located within the required 15' rear yard setback within an RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
(Continued from Regular Meeting of May 21, 2009)
(Proposed for Continuance to June 18, 2009)
3. 2005.1106E (J. BATTIS (415) 575-9022)
2655 BUSH STREET - Appeal of Preliminary Mitigated Negative Declaration. Lot 024 of Assessor's Block 1052, is located at the southwest corner of Divisadero and Bush Streets within the block bounded by Bush Street to the north, Divisadero Street to the east, Sutter Street to the south, and Broderick Street to the west, in the Western Addition neighborhood. The project is the demolition of the existing vacant two-story, 20-foot-high, approximately 48,000-square-foot, 116-bed convalescent facility with approximately 1,000 square feet of commercial space and a below-grade 22-space ground-level parking

garage, and construction of a new four-to-six-story, 40-to-65-foot-high, 108,000-square-foot building with about 4,500 square feet of ground-level retail space and about 83 dwelling units above, and a below-grade parking garage for up to 99 vehicles. The 33,522-square-foot project site is within a NC-3 (Moderate-Scale Neighborhood Commercial) zoning district and a 40-X/65A height and bulk district.

Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
(Proposed for continuance to June 25, 2009)

4. 2008.1076C (S. YOUNG: (415) 558-6346)
1699 HAIGHT STREET - southeast corner of Haight and Cole Streets; Lot 020 in Assessor's Block 1247 - **Request for Conditional Use Authorization** under Sections 719.26 and 303 of the Planning Code to legalize an existing automatic teller machine (ATM) walk-up facility, without providing a 3-foot recession from the front property line, located in the Haight Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. The existing walk-up facility is an accessory use to an existing liquor store (dba Haight & Cole Liquors).
 Preliminary Recommendation: Pending
 (Proposed for Indefinite Continuance)

B. REGULAR CALENDAR

- 5a. 2007.0129DDD (G. CABREROS: (415) 558-6169)
100 32ND AVENUE - southeast corner of 32nd Avenue and El Camino del Mar; Lot 008 in Assessor's Block 1312 - **Requests for Discretionary Review** of Building Permit Application No. 2007.01.19.2027 proposing to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor of the four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve.
 (Continued from Regular Meeting of May 7, 2009)
- 5b. 2007.0129V (G. CABREROS: (415) 558-6169)
100 32ND AVENUE - southeast corner of 32nd Avenue and El Camino del Mar; Lot 008 in Assessor's Block 1312 - **Request for Variances** from Planning Code Sections 133, 134 and 188 to modify a required side yard, the required rear yard and a noncomplying structure. The project proposes to construct a three-story side horizontal addition and to enlarge the existing partial fourth floor of the four-story, single-family residence. The subject building is within an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.
 (Continued from Regular Meeting of May 7, 2009)
- 6a. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007 - **Consideration of Adoption of CEQA Findings and Request for Conditional Use Authorization** under Planning Code Sections 228 (Service Station Conversion), 731.11 (Development Lot Size) and 731.94 (Residential Off-street Parking) for the conversion of a service station and construction of a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking below for up to 91 off-street parking spaces. The project lies within an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area.
 Preliminary Recommendation: Approval with Modifications and Conditions
 (Continued from Regular Meeting of May 21, 2009)
NOTE: On April 16, 2009, following public testimony, the commission continued this item to 5/21/09 with instructions to Project Sponsor to reach out to the

neighborhood more and continue working with staff on the design. Public hearing remains open (+7 -0).

- 6b. 2006.1431ECV (J. IONIN: (415) 558-6309)
1960-1998 MARKET STREET - northeast corner at Buchanan Street, Assessor's Block 0872, Lots 005, 006 and 007, located in an NCT-3 (Neighborhood Commercial Transit, Moderate-Scale) District, an 85-X Height and Bulk District and the recently adopted Market & Octavia Plan Area. **REAR YARD, USABLE OPEN SPACE, AND EXPOSURE VARIANCES SOUGHT**- The proposal is to demolish the service station and construct a U-shaped mixed-use development with up to 115 residential units over ground floor commercial and subterranean parking for up to 91 off-street parking spaces.
(Continued from Regular Meeting of May 21, 2009)
7. 2009.0068C (C. LAMORENA: (415) 575-9085)
626-628 CLEMENT STREET - on the north side between 7th and 8th Avenues; Lot 022 of Assessor's Block 1426 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303 and 716.48, to convert a portion of the existing ground retail space (dba D&B Wireless) into a new "other entertainment" use as a karaoke lounge (dba Volar Music Land) within the Inner Clement Street Neighborhood Commercial District and 40-X Height and Bulk District.
Recommendation: Approval with Conditions
8. 2009.0273C (E. WATTY: (415) 558-6620)
9 WEST PORTAL AVENUE - east side between Ulloa and Vicente Streets; Lot 029 in Assessor's Block 2979A - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303, 729.41, and 790.22, to allow for the addition of a bar within the existing retail liquor store (DBA WineStyles) within the West Portal Neighborhood Commercial District and 26-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions
9. 2008.0135U (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO THE BUILDING CODE REGARDING VACANT AND ABANDONED BUILDINGS [BOARD FILE NO. 09-0554] - **Ordinance introduced by Supervisor Chiu amending the Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection**, require the owner to maintain the grounds and the exterior and the interior of the building in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual fee.
Preliminary Recommendation: Approval with Modifications
- 10a. 2007.0347EMT (S. SHOTLAND: (415) 558-6308)
CONSIDERATION OF ADOPTING A RESOLUTION OF INTENTION TO INITIATE AMENDMENTS TO THE GENERAL PLAN - **related to the San Francisco Bicycle Plan. Pursuant to Planning Code Section 340 (c)**, the Commission will consider initiating amendments to the General Plan, including the Transportation Element and Downtown Area Plan.
Preliminary Recommendation: Approval
- 10b. 2007.0347EMT (S. SHOTLAND: (415) 558-6308)
CONSIDERATION OF ADOPTING A RESOLUTION OF INTENTION TO INITIATE AMENDMENTS TO THE PLANNING CODE - **related to the San Francisco Bicycle Plan. Pursuant to Planning Code Section 302 (b)**, Commission will consider initiating an amendment to Sections 155, 155.1, 155.4, and 155.5 of the Planning Code.
Preliminary Recommendation: Approval

11. 2008.1227D (M. WOODS: (415) 558-6315)
167 8TH AVENUE - west side between California and Lake Streets; Lot 014 in Assessor's Block 1368 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317, of Building Permit Application No. 2008.11.17.6734, proposing to legalize the existing single-family use, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the application
12. 2008.0285D (T. WANG: (415) 558-6335)
109 ALPINE TERRACE - on the east side of Alpine Terrace between Duboce Avenue and 14TH Street; Lot 041 in Assessor's Block 2610 - **Request for Discretionary Review** of Building Permit Application No. 2008.01.22.3004, proposing to alter an existing two-story over garage, single-family dwelling, including a fourth-story vertical addition; a rear two-story addition; and a replacement of the existing 8-foot wide garage door with a 10-foot wide garage door. The property is in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as proposed.

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes - Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

13. Consideration of Adoption:
- Draft Minutes of Regular Meeting of March 26, 2009
 - Draft Minutes of Special Meeting of March 26, 2009
 - Draft Minutes of Regular Meeting of April 9, 2009
 - Draft Minutes of Regular Meeting of May 21, 2009
 - Draft Minutes of Special Meeting of May 21, 2009
14. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

15. Director's Announcements
16. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
17. (B. BENDIX: (415) 575-9089)
1250 MISSION STREET - **Informational presentation** on the status of the project.

E. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, June 11, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUN - 5 2009

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathleen Moore

Hisashi Sugaya

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Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sott@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2007.0118E (J. DEAN: (415) 575-9028)
SAN JOAQUIN PIPELINE SYSTEM PROJECT - portions of Tuolumne, Stanislaus and San Joaquin Counties - **Certification of the Final Environmental Impact Report** - The San Francisco Public Utilities Commission (SFPUC) proposes the San Joaquin Pipeline (SJPL) System Project, which is comprised of repair or replacement of an approximately 6.5-mile segment of SJPL No. 3 in the eastern portion of the SJPL System beginning at the Oakdale Portal in Tuolumne County and extending west to unincorporated Stanislaus County, and construction of a new approximately 11-mile pipeline, SJPL No. 4, beginning near a new crossover facility (Pelican Crossover) west of the San Joaquin River in Stanislaus County and extending to the Tesla Portal facility in San Joaquin County. The project also proposes construction of two new crossover facilities along the SJPL System: Emery Crossover located about 9.5 miles west of the Oakdale Portal in unincorporated Stanislaus County, and Pelican Crossover, located west of the San Joaquin River at the eastern terminus of the new pipeline in unincorporated Stanislaus County. Ancillary project components include site improvements at the Oakdale Portal, construction of two new throttling stations along SJPL No. 3 in the eastern portion of the SJPL System; upgrade/replacement of existing valves at the discharge facilities at Cashman Creek; and replacement of the existing valves and discharge piping and addition of a new discharge valve at the California Aqueduct.
Preliminary Recommendation: Certify the Environmental Impact Report
Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on January 26, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.
(Proposed for Continuance to July 9, 2009)
2. 2009.0337D (C. TEAGUE: (415) 575-9081)
574 NATOMA STREET - north side, between Russ and 7th Streets, Lot 075 of Assessor's Block 3726 - **Request for Discretionary Review** of Building Permit Application No. 2008.09.25.2702, proposing to construct a four-story residential building containing 11 Single Room Occupancy (SRO) units in a RED (Residential Enclave District) Zoning District and 45-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project as Proposed.
(Proposed for Continuance to June 18, 2009)
3. 2009.0367C (R. CRAWFORD: (415) 558-6358)
1463 POWELL STREET - west side, between Broadway and Vallejo Streets Lot 028 of Assessor's Block 0148 - **Request for Conditional Use Authorization** under, Planning Code Section 722.44 to develop a Small Self-Service Restaurant on the ground floor in conjunction with the existing Bridal Salon (Jasmine Bridal Shop). The proposal is to

designate 150 square feet of the Bridal Salon as a restaurant space to serve food to Salon patrons. The business may on occasion offer food service to the general public in the North Beach Neighborhood Commercial District, North Beach Special Use District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approve with Conditions
(WITHDRAWN)

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:

- Draft Minutes of Regular Meeting of March 12, 2009.
- Draft Minutes of Regular Meeting of March 19, 2009.
- Draft Minutes of Regular Meeting of May 14, 2009.
- Draft Minutes of Regular Meeting of May 28, 2009.

5. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

6. Director's Announcements

7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

8. 2009.0172C (C. JAROSLAWSKY: (415) 558-6348)
5898 MISSION STREET - northwest side of Mission Street, between Lawrence and Sickles Avenues, Block 7143, Lot 033 - **Request to amend a Conditional Use Authorization** under Planning Code Sections 178(3)(c), 303 and 711.4 to extend the hours of operation of the retail market at the ARCO Service Station to 24-hours, seven days a week, within an NC-2 District 40-X Height and Bulk.
Preliminary Recommendation: Approval with Conditions

9. (J. SWITZKY: (415) 575-6815)
RINCON HILL AREA PLAN UPDATE - Planning Commission has requested a brief **informational update on the status of development in the Rincon Hill area**. The update will include a review of project entitlements, impact fees and implementation of plan area public improvements.
Preliminary Recommendation: No action required, informational only.
10. 2009.0319X (C. TEAGUE: (415) 575-9081)
340 FREMONT STREET - south side between Harrison and Folsom Streets, Lots 006 to 009 in Assessor's Block 3748 - **Request under Planning Code Sections 309.1, 825 and 827 for the authorization of a change in previously approved conditions of approval** to extend the performance period within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with a 85/250-R Height And Bulk Designation.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of May 28, 2009)
11. 2009.0237X (B. FU: (415) 558-6613)
399 FREMONT STREET - northeast corner of Harrison and Fremont Streets, Lot 002 in Assessor's Block 3747 - **Request under Planning Code Sections 309.1, 825 and 827 for the authorization of a change in previously approved conditions of approval** to extend the performance period within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District With A 85/400-R Height And Bulk Designation.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of May 28, 2009)
12. 2009.0191X (B. FU: (415) 558-6613)
45 LANSING STREET - south side of Lansing Street on a through lot that also fronts Harrison Street, between First and Essex Streets, Lot 059 in Assessor's Block 3749 - **Request under Planning Code Sections 309.1, 825 and 827 for the authorization of a change in previously approved conditions of approval** to extend the performance period within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District With A 65/400-R Height And Bulk Designation.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of May 28, 2009)
13. 2009.0150D (R. CRAWFORD: (415) 558-6358)
1101 GREEN STREET - south side between Hyde and Leavenworth Streets, Lots 064 and 065, of Assessor's Block 0125 - **Mandatory Discretionary Review** of a proposed Dwelling Unit Merger. The proposal is to merge two owner occupied dwelling units in a condominium building into one unit in the RH-3, Residential House Three Family District and 40X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Approve the Permit with Conditions

F. PUBLIC COMMENT

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- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

06-12-09P12:23 RCVD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, June 18, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUN 12 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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or as a recorded message at (415) 558-6422.

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Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

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Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

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Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2006.0430E (J. RANGE: (415) 575-9018)
870 HARRISON STREET - north side of Harrison Street between 4th and 5th Streets; Lot 019 of Assessor's Block 3752 - **Appeal of Preliminary Mitigated Negative Declaration** for the proposed demolition of an existing vacant industrial building and construction of a 65-foot tall mixed use Production Distribution and Repair (PDR) and residential building. The approximately 26,385 square foot (sf) building would include either 4,050 sf of ground floor PDR space or 2,560 sf of ground floor PDR space to accommodate a 25 percent at grade rear yard. The project would also include 26 dwelling units, with a total of 16 parking spaces. The project is located within the West South of Market neighborhood and is within a Residential/ Service District (RSD) and a 40-X/85-B height and bulk district.
Preliminary Recommendation: Uphold Preliminary Negative Declaration
APPEAL OF PRELIMINARY MITIGATED NEGATIVE DECLARATION WITHDRAWN

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

2. 2009.0057C: (C. JAROSLAWSKY (415) 558-6348)
5735 MISSION STREET - southeast side of Mission Street, between Whittier and Oliver Streets, Block 6473, Lot 040 - **Request for Conditional Use Authorization** under Planning Code Sections 303, 711.21 and 711.81 to install a Residential Care Facility, to house 40 persons, providing lodging, board, and 24-hour care with no outpatient care. The property is located within the NC-2 (Small-Scale Neighborhood Commercial) and within the 40-X height and bulk District of San Francisco.
Preliminary Recommendation: Approval with Conditions.
3. 2009.0326C (E. WATTY: (415) 558-6620)
999 BROTHERHOOD WAY - south side between Lake Merced and Junipero Serra Boulevards; Lot 016 in Assessor's Block 7380 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 209.3(f) and 303, to allow a child-care facility that would provide less than 24-hour care by licensed personnel for 13 or more children. The facility is located at the site of the Holy Trinity Greek Orthodox Church, which was previously occupied by an elementary school, as defined under Planning Code Section 209.3(g). The site is within an RH-1 (D) (Residential House - One-Family, Detached) District, Coastal Zone, and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with conditions.

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:
 - Draft Minutes of Regular Meeting of June 4, 2009.
5. Commission Comments/Questions
 - Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

6. Director's Announcements
7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
8. (B. BENDIX: (415) 575-9089)
1250 MISSOURI STREET - Informational presentation on the status of the project.
(Continued from Regular Meeting of June 4, 2009)
9. (T. FRYE: (415) 575-6822)
1 KEARNY STREET – PUBLIC ART
Informational presentation regarding the proposed public art component associated with Case No. 2004.0165EMZHX

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

10. (R. DUDLEY: (415) 575-9068)
JAPANTOWN BETTER NEIGHBORHOOD PLAN - Second of Two Informational Presentations on the Draft Japantown Better Neighborhood Plan. This two year community planning process has resulted in a draft plan that is seeking endorsement by

the Commission on June 25th. The two informal presentations will be organized by topics. The first presentation provided an overview of the planning process and focused on the Draft Plan's recommendations for community and economic development and community heritage. This presentation will focus on recommendations for land use, built form, public realm and additional matters as requested by the Commission.

Preliminary Recommendation: No action required.
(Continued from Regular Meeting of June 4, 2009)

- 11a. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Conditional Use Authorization** under Planning Code Sections 253, 303 and 317 to construct a building higher than 40' in height and to demolish the two-unit, two-story over garage building with four bedrooms, and to construct a two-unit, three-story over garage with penthouse building with 5 bedrooms in a RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
Preliminary Recommendation: Disapprove
(Continued from Regular Meeting of June 4, 2009)
- 11b. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Variances** from the front setback and rear yard requirements pursuant to Sections 132 and 134 of the Planning Code, to allow the proposed building to be located within the required 6' front setback and to be located within the required 15' rear yard setback within an RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
(Continued from Regular Meeting of June 4, 2009)
- 12a. 2006.0430CVK (E. JACKSON: (415) 558-6363)
870 HARRISON STREET - northwest side, between 4th and 5th Streets, Lot 019 in Assessor's Block 3752 - **Request for Conditional Use (CU) Authorization** under Planning Code Sections 157, 263.11(a), 263.11(b)(2), 303, and 815.26 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space, and a Residential Community Parking Garage. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa Planning Area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District.
- 12b. 2006.0430CV: (E. JACKSON: (415) 558-6363)
870 HARRISON STREET - northwest side, between 4th and 5th Streets, Lot 019 in Assessor's Block 3752 - **Request for determination of shadow impacts** and exception under Planning Code Sections 147, 263.11(b)(1), and 307 to demolish an existing vacant two-story industrial building and construct a six-story, 65-foot-tall mixed-use building containing up to 26 dwelling units and Production Distribution and Repair (PDR) space, and a Residential Community Parking Garage. The Zoning Administrator will make a determination on the shadow impact of the new construction in accordance with the provisions of Planning Code Section 307. The proposed project is located within San Francisco's South of Market Area (SoMa) and within the West SoMa planning area. The project site is within the Residential Service District (RSD), a 40-X/85-B Height and Bulk District, and the Youth and Family Special Use District.
13. 2009.0230D (C. LAMORENA: (415) 575-9085)
138-25th AVENUE - east side between El Camino Del Mar and Lake Street; Lot 024 in Assessor's Block 1334 - **Request for Discretionary Review** of Building Permit

Application No. 2008.07.08.6192, proposing to construct a ground level addition and 1st story infill addition at the rear of the two-story over garage, single-family dwelling in a RH-1 (Residential House, Single-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project.

14. 2009.0337D (C. TEAGUE: (415) 575-9081)
574 NATOMA STREET – north side, between Russ and 7th Streets, Lot 075 of Assessor's Block 3726 - **Request for Discretionary Review** of Building Permit Application No. 2008.09.25.2702, proposing to construct a four-story residential building containing 11 Single Room Occupancy (SRO) units in a RED (Residential Enclave District) Zoning District and 45-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Project as Proposed.
(Continued from Regular Meeting of June 11, 2009)

15. (S.DENNIS: (415) 558-6251/K.DISCHINGER: 558-6284)
HOUSING ELEMENT UPDATE - **Informational Presentation** for the 2009 Update of the Housing Element - The presentation will include an introduction to Part 2 of the Housing Element, the General Plan policy section, which consists of Objectives and Policies to address the City's housing needs, as well as Implementation Programs for each policy. A preliminary draft of Part 2 of the Housing Element is expected to be released on June 18th, 2009.

7:00 P.M.

- 16a. 2009.0227TU (E. FORBES: (415) 558-6417)
DISCRETIONARY REVIEW REFORM: COMMISSION POLICIES AND PROCEDURES - **Consideration of adoption of policies and procedures** to reform discretionary review, including implementation of an improved and standardized pre-application process, improved public information access, a more consistent and predictable design review process, a definition and application of "exceptional and extraordinary circumstances", renaming the "Residential Design Guidelines" to "Residential Design Standards," allowing requests for Planning Department reconsideration of Residential Design Standards application, and a defined timeline for the processing of discretionary review applications.
Preliminary Recommendation: Adoption
NOTE: On April 2, 2009, following public testimony, the Commission passed a motion to continue the item to the call of the chair
(Continued from Regular Meeting of May 14, 2009)

- 16b. 2009.0227TU (E. FORBES: (415) 558-6417)
DISCRETIONARY REVIEW REFORM: AMENDMENTS TO PLANNING CODE SECTIONS 311 AND 312 - **an Ordinance to amend Planning Code Sections 311, 312, 352 and 355**, to state that a request for discretionary review will be heard by the Planning Commission or its designee, if the application demonstrates exceptional and extraordinary circumstances, to change all Planning Code references of the "residential design guidelines" to "residential design standards," to enjoin project sponsors from requesting discretionary review on their own projects, to amend Planning Code Section 352 to clarify that Mandatory Discretionary Reviews includes Planning Department initiated reviews, and to amend Planning Code Section 355 to allow for the collection and refund of fees associated with Planning Department reconsideration of Residential Design Standards application, and to adopt environmental and Planning Code Section 302 findings.
Preliminary Recommendation: Recommend adoption to the Board of Supervisors

NOTE: On April 2, 2009, following public testimony, the Commission adopted a resolution of intent to initiate Code amendments for hearing on May 14, 2009.
(Continued from Regular Meeting of May 14, 2009)

G. PUBLIC COMMENT

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The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

09
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09

ADDENDUM SAN FRANCISCO PLANNING COMMISSION Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, June 18, 2009

1:30 PM

Regular Meeting

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee;
Kathrin Moore; Hisashi Sugaya

D. DIRECTOR'S REPORT

(K. GUY: (415) 558-6163)

Informational presentation - The developer of the Foundry Square project (located at First and Howard Streets) will be presenting a "Plaza Activation Report.", describing how the existing and proposed plazas for each phase of the project will be further activated and enlivened."

06-15-09A11:52 RCV0

GOVERNMENT
DOCUMENTS DEPT

JUN 15 2009

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, June 25, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

JUN 19 2009

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Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini, Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2007.0231D (G. CABREROS: (415) 558-6169)
2750 VALLEJO STREET - north side between Broderick and Divisadero Streets, Lot 006 in Assessor Block 0954 - **Request for Discretionary Review** of Building Permit Application No. 2008.08.14.9201 proposing facade alterations and rear and side horizontal additions to the existing three-story, single-family residence in an RH-1(D) (Residential House, One Family, Detached) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and Approve
(Proposed for Continuance to July 23, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

2. 2009.0295C (S. LAI: (415) 575-9087)
2045 IRVING STREET (AKA 2031 IRVING STREET) - south side between 21st and 22nd Avenues; Lot 011B of Assessor's Block 1776 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections, 711.44 and 303, to convert a retail commercial space to a small self-service restaurant (dba "Tuttimelon"), within the Irving Street Special Use NC-2 (Neighborhood Commercial, Small Scale District) and a 105-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

3. Consideration of Adoption:
 - Draft Minutes of Regular Meeting of June 11, 2009.
4. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

5. Director's Announcements
6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
7. (M. SMITH: (415) 558-6322)
4024 26TH STREET - **Informational presentation** on the status of the project.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

8. 2004.0130CV (J. MILLER: (415) 558-6344)
1353 BUSH STREET - south side between Larkin and Polk Streets, Lot 013 in Assessor's Block 0669 - **Informational discussion** for direction from the Commission whether a hearing should be held to revoke a Conditional Use authorization or whether an extension should be granted. The project was approved on July 14, 2005, in Motion No. 17063, for a use size in excess of 3,000 square feet for a music training facility ("Music City"). A condition of that Motion requires construction to commence within three years of the approval date. Although progress has been made, construction on the authorized project has not begun. The site is located in the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District.
9. 2008.0996C (A. HOLLISTER: (415) 575-9078)
1040 COLUMBUS AVENUE - east side between Francisco and Chestnut Streets, Lot 001 in Assessor's Block 0050 - **Request for Conditional Use authorization** to add a bar use (Type 47 ABC Liquor License) to an existing restaurant (DBA "Cable Car Restaurant") and to legalize entertainment uses already found at the existing restaurant such as billiard tables. No construction is proposed under this application. This site is within the North Beach Neighborhood Commercial District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
10. 2005.1106E (J. BATTIS (415) 575-9022)
2655 BUSH STREET - **Appeal of Preliminary Mitigated Negative Declaration**. Lot 024 of Assessor's Block 1052, is located at the southwest corner of Divisadero and Bush Streets within the block bounded by Bush Street to the north, Divisadero Street to the east, Sutter Street to the south, and Broderick Street to the west, in the Western Addition

neighborhood. The project is the demolition of the existing vacant two-story, 20-foot-high, approximately 48,000-square-foot, 116-bed convalescent facility with approximately 1,000 square feet of commercial space and a below-grade 22-space parking garage, and construction of a new four-to-six-story, 40-to-65-foot-high, 108,000-square-foot building with about 4,500 square feet of ground-level retail space and about 83 dwelling units above, and a below-grade parking garage for up to 99 vehicles. The 33,522-square-foot project site is within a NC-3 (Moderate-Scale Neighborhood Commercial) zoning district and a 40-X/65A height and bulk district.

(Continued from Regular Meeting of June 4, 2009)

11. 2005.1106C (A. STARR: (415) 558-6362)
2655 BUSH STREET - southwest corner of Bush and Divisadero Streets, Lot 024 in Assessor's Block 1052 - **Request for Conditional Use Authorization** under Planning Code Sections 303 and 304 to allow a Planned Unit Development for the construction of a new four-to-six story building that contains 81 residential units, 99 parking spaces and approximately 4180 sq. ft. of commercial space in an NC-3 (Medium Scale Neighborhood Commercial) District and a combination of 40-X and 65-A Height and Bulk Districts. The project also includes the demolition of the vacant two-story convalescent facility that currently occupies the site.
Preliminary Recommendation: Approval with Conditions

5:00 PM.

12. 2009.0227U. (R. DUDLEY: (415) 575-9068)
JAPANTOWN BETTER NEIGHBORHOOD PLAN - This two year community planning process has produced a draft plan which will be before the Commission for their consideration and possible acknowledgment by the Commission on June 25th. Two previous informational presentations provided an overview of the planning process and the Draft Plan's recommendations for community and economic development, community heritage, land use, built form, and Japan Center. Today's presentation will address public realm, transportation, next steps and additional matters as requested by the Commission. There will be opportunity for further public comment on all topics and for Commission consideration of the Resolution drafted by Staff and the Steering Committee.
Preliminary Recommendation: Approve Acknowledgment Resolution for the Draft Japantown Better Neighborhood Plan.
13. 2009.0453T (E. FORBES: (415) 558-6417)
FEE REVISIONS AND ADJUSTMENTS - **Consideration of amendments to Planning Code Article 3.5 to charge fees** for monitoring conditions of approval and abatement of code enforcement violations; increase the annual inventory fee for the General Advertising Sign Program; modify refund procedures and indigent fee waiver provision; clarify phased collections and payment deferment; and establish a new processing fee for phased payments.
Preliminary Recommendation: Approval
14. 2009.0454T (E. FORBES: (415) 558-6417)
GENERAL ADVERTIZING PROGRAM COST RECOVERY - **Consideration of amendments to Planning Code Sections 303, 358 and 604.2, and Administrative Code Section 10.100-166** to increase the annual inventory fee for cost recovery; expand the Planning Department's Code Enforcement Fund sources and uses to enforcement of all Planning Code violations; and to make clarifications to the program.
Preliminary Recommendation: Approval

6:30 PM.

PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

15. 2007.0347E (D. DWYER: (415) 575-9031)
SAN FRANCISCO BICYCLE PLAN PROJECT - 2009 SAN FRANCISCO BICYCLE PLAN - Certification of the Final Environmental Impact Report. The project site is located throughout the City primarily within the street right-of-way and on some park land - The proposed project includes an update of the goals, objectives and actions of the 2009 San Francisco Bicycle Plan, including amendments to the San Francisco General Plan and Planning Code to reflect the 2009 San Francisco Bicycle Plan. The 2009 San Francisco Bicycle Plan includes improvements to the City's existing bicycle route network including 60 near-term improvement projects, minor improvements and long-term improvements to the bicycle route network. The proposed project would require approval by the San Francisco Municipal Transportation Agency Board of Directors as well as the Board of Supervisors.
Preliminary Recommendation: Certify the Final EIR
Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on January 13, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.
- 16a. 2007.0347EMT (D. DWYER/ S. SHOTLAND: (415) 575-9031/558-6308)
SAN FRANCISCO BICYCLE PLAN PROJECT - The 2009 San Francisco Bicycle Plan – Adopt California Environmental Quality Act Findings. The project site is located throughout the City primarily within the street right-of-way and on some park land – The proposed project includes an update of the goals, objectives and actions of the 2009 San Francisco Bicycle Plan, including amendments to the San Francisco General Plan and Planning Code to reflect the 2009 San Francisco Bicycle Plan. The 2009 San Francisco Bicycle Plan includes improvements to the City's existing bicycle route network including 60 near-term improvement projects, minor improvements and long-term improvements to the bicycle route network. The proposed project would require approval by the San Francisco Municipal Transportation Agency Board of Directors as well as the Board of Supervisors.
The CEQA Findings include a statement of overriding benefits and a mitigation monitoring and reporting program (MMRP) associated with approving the proposed General Plan and Planning Code amendments and implementation of the 2009 Bicycle Plan. They include a rationale for rejecting alternatives identified in the EIR, and a statement of overriding considerations that lists technical, social and economic reasons for adopting the amendments and implementing the 2009 Bicycle Plan despite identified significant, adverse environmental impacts.
Preliminary Recommendation: Adopt CEQA Findings motion
- 16b. 2007.0347EMT (S. SHOTLAND: (415) 558-6308)
CONSIDERATION OF ADOPTING AMENDMENTS TO THE GENERAL PLAN RELATED TO THE SAN FRANCISCO BICYCLE PLAN - Pursuant to San Francisco Charter Section 4.105, Planning Code § 340(d) and § 306.3, adopt amendments to

the General Plan, related to the San Francisco Bicycle Plan. The Planning Commission will consider adoption of amendments to the General Plan, including revisions to the Transportation Element and the Downtown Area Plan, any corresponding revisions to the Land Use Index of the General Plan, making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Preliminary Recommendation: approval

- 16c. 2007.0347EMI (S. SHOTLAND: (415) 558-6308)
CONSIDERATION OF ADOPTING AMENDMENTS TO THE PLANNING CODE RELATED TO THE SAN FRANCISCO BICYCLE PLAN - Pursuant to Planning Code § 302(c) and § 306.3, Consider adopting a resolution adopting an amendment to Sections 155, 155.1, 155.4, and 155.5 of the Planning Code related to approval of the San Francisco Bicycle Plan, revising requirements for off-street parking, including provisions for secure bicycle parking, among other controls. in City-owned and leased buildings, new housing development with four or more dwelling units, and new commercial buildings, making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION Regular Meeting *Thursday, July 2, 2009*

NOTICE IS HEREBY GIVEN that the Regular Meeting of the San Francisco Planning Commission for ***Thursday, July 2, 2009***, has been cancelled. The next Regular Meeting of the Planning Commission will be held on, ***Thursday, July 9, 2009***.

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER

PRESIDENT	RON MIGUEL
VICE-PRESIDENT	CHRISTINA OLAGUE
COMMISSIONER	MICHAEL J. ANTONINI
COMMISSIONER	GWYNETH BORDEN
COMMISSIONER	WILLIAM L. LEE
COMMISSIONER	KATHRIN MOORE
COMMISSIONER	HISASHI SUGAYA

DIRECTOR OF PLANNING
COMMISSION SECRETARY

JOHN RAHAIM
LINDA D. AVERY

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SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, July 9, 2009

1:30 PM

Regular Meeting

07-02-09A11:50: PCVD

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President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0197E: (A. CONTRERAS: (415) 575-9044)
942 MISSION STREET - north side of Mission Street, between Fifth and Sixth Streets, Lot 15 in Assessor's Block 3704 - **Appeal of Preliminary Mitigated Negative Declaration** for a project proposing the demolition of an existing two-story-over-basement office and commercial building, and construction of a 152-foot-tall, 15-story building containing approximately 3,240 square feet of ground-floor retail space, 4,025 square feet of ground floor circulation and building service space, and about 72,000 square feet of hotel space including 172 hotel rooms, with pedestrian access from Mission and Jessie Streets. No off-street parking or loading is proposed. The project is located in a C-3-G (Downtown General Commercial) Use District and a 160-F Height and Bulk District.
Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
(Proposed for Continuance to September 3, 2009)
- 2a. 2008.0197CEX (J. MILLER: (415) 558-6344)
942 MISSION STREET - north side between Mint and Sixth Streets, a through-lot to Jessie Street - **Review under Planning Code Section 309** of new construction of a 15-story HOTEL, approximately 79,000 gross square feet, with approximately 172 rooms, approximately 3,240 square feet of ground-floor retail space and approximately 152 feet in height, Lot 015 in Assessor's Block 3704, in a C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.
(Proposed for Continuance to September 3, 2009)
- 2b. 2008.0197CEX (J. MILLER: (415) 558-6344)
942 MISSION STREET - north side between Mint and Sixth Streets, a through-lot to Jessie Street - **Request for Conditional Use Authorization** pursuant to Planning Code Section 216(b)(i) for a new HOTEL with approximately 172 rooms, Lot 015 in Assessor's Block 3704, in a C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.
(Proposed for Continuance to September 3, 2009)
3. 2008.1014C (J. IONIN: (415) 558-6309)
652 STANYAN STREET - east side between Page and Haight Streets, Assessor's Block 1228, Lot 008 - **Request for Conditional Use Authorization** under Planning Code Section 209.6 (Public Facilities and Utilities) for AT&T Wireless to co-locate six antennas on the roof (concealed within RF transparent material) and associated equipment cabinets in the basement of the subject property. The project lies within an RM-2 (Residential, Mixed, Moderate Density) District and a 50-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of May 14, 2009)
(Proposed for Indefinite Continuance)

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:

- Draft Minutes of Regular Meeting of February 5, 2009.
- Draft Minutes of Regular Meeting of February 12, 2009.
- Draft Minutes of Regular Meeting of February 19, 2009.
- Draft Minutes of Regular Meeting of June 18, 2009.
- Draft Minutes of Regular Meeting of June 25, 2009.

5. Commission Comments/Questions

- **Inquiries/Announcements**. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- **Future Meetings/Agendas**. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT**6. Director's Announcements****7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.**

- 8. 2009.02051** (S. WERTHEIM: (415) 558-6612)
HEALD COLLEGE ABBREVIATED INSTITUTIONAL MASTER PLAN - Report on Heald College's Abbreviated Institutional Master Plan (IMP), pursuant to Planning Code Section 304.5. Heald College is located at 350 Mission St. (Block 3710 017). The Abbreviated IMP contains information on the nature and history of the institution, the location and use of affiliated buildings, and development plans. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").
Preliminary Recommendation: Informational presentation, no action requested

- 9. 2006.1073E** (V. WISE: (415) 575-9049)
PIERS 15 AND 17/THE EXPLORATORIUM RELOCATION PROJECT - East side of The Embarcadero at Green Street, Lots 15, 15H and 17 in Assessor's Block 9900 - **Informational Presentation of the Proposed Project**. The Exploratorium proposes to relocate to Piers 15/17. The Project Site, owned by the Port of San Francisco (Port), is comprised of the 136,145-gross-square-foot (gsf) Pier 15, 110,615-gsf Pier 17, 11,773-gsf Connector Building, a paved parking area ("Valley"), a 1,579-gsf office shack in the Valley, and a 235-gsf office addition on the Pier 17 north apron. Piers 15 and 17 are contributing resources to the San Francisco Embarcadero National Register Historic District. The Exploratorium proposes to lease from the Port Pier 15, Pier 17, replace the Connector Building with a New Bridge Building and remove portions of the Valley. The Exploratorium proposes to expand the museum program into Pier 17 in the future. Until

then, the Exploratorium would lease Pier 17 to commercial, light industrial and restaurant or other retail users.

Preliminary Recommendation: No action required

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

F. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

10. 2006.1073E (V. WISE: (415) 575-9049)
PIERS 15 AND 17/THE EXPLORATORIUM RELOCATION PROJECT - East side of The Embarcadero at Green Street; Lots 15, 15H and 17 in Assessor's Block 9900 – **Certification of the Final Environmental Impact Report.** The Exploratorium proposes to relocate to Piers 15/17. The Project Site, owned by the Port of San Francisco (Port), is comprised of the 136,145-gross-square-foot (gsf) Pier 15, 110,615-gsf Pier 17, 11,773-gsf Connector Building, a paved parking area ("Valley"), a 1,579-gsf office shack in the Valley, and a 235-gsf office addition on the Pier 17 north apron. Piers 15 and 17 are contributing resources to the San Francisco Embarcadero National Register Historic District. The Exploratorium proposes to lease from the Port Pier 15, Pier 17, replace the Connector Building with a New Bridge Building and remove portions of the Valley. The Exploratorium proposes to expand the museum program into Pier 17 in the future. Until then, the Exploratorium would lease Pier 17 to commercial, light industrial and restaurant or other retail users.

Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on March 16, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.

Preliminary Recommendation: Certify the Final EIR

11. 2007.0118E (J. DEAN: (415) 575-9028)
SAN JOAQUIN PIPELINE SYSTEM PROJECT - portions of Tuolumne, Stanislaus and San Joaquin Counties – **Certification of the Final Environmental Impact Report** - The San Francisco Public Utilities Commission (SFPUC) proposes the San Joaquin Pipeline (SJPL) System Project, which is comprised of repair or replacement of an approximately 6.5-mile segment of SJPL No. 3 in the eastern portion of the SJPL System beginning at the Oakdale Portal in Tuolumne County and extending west to unincorporated Stanislaus County, and construction of a new approximately 11-mile pipeline, SJPL No. 4, beginning near a new crossover facility (Pelican Crossover) west of the San Joaquin River in Stanislaus County and extending to the Tesla Portal facility in San Joaquin County. The project also proposes construction of two new crossover facilities along the SJPL System: Emery Crossover located about 9.5 miles west of the Oakdale Portal in unincorporated Stanislaus County, and Pelican Crossover, located west of the San Joaquin River at the eastern terminus of the new pipeline in unincorporated Stanislaus

County. Ancillary project components include site improvements at the Oakdale Portal, construction of two new throttling stations along SJPL No. 3 in the eastern portion of the SJPL System; upgrade/replacement of existing valves at the discharge facilities at Cashman Creek; and replacement of the existing valves and discharge piping and addition of a new discharge valve at the California Aqueduct.

Preliminary Recommendation: Certify the Environmental Impact Report

Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on January 26, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.

(Continued from Regular Meeting of June 11, 2009)

12. 2005.0164E (T. JOHNSTON: (415) 575-9035)
BAY DIVISION RELIABILITY UPGRADE PROJECT - Certification of the Final Environmental Impact Report. The San Francisco Public Utilities Commission (SFPUC) is proposing the Bay Division Reliability Upgrade Project (also known as "BDPL No. 5"). The project would be constructed as a 21 mile pipeline, parallel to, and within the existing right-of-way (ROW) of BDPL Nos. 1 and 2, which originate at the Irvington Tunnel Portal in Fremont, pass through the cities of Fremont and Newark in Alameda County, cross the Bay at the Dumbarton Strait, and continue through the cities of East Palo Alto, Redwood City, Menlo Park, and unincorporated areas of San Mateo County. The project would include a seven-mile "reach" (or sub-segment) in the East Bay that begins approximately 100 feet east of Mission Boulevard, near the Irvington Tunnel Portal, and continues westward through the cities of Fremont and Newark to the Newark Valve Lot. A proposed five-mile tunnel would extend from the Newark Valve Lot to the Ravenswood Valve Lot in Menlo Park, crossing beneath the Bay. From the Ravenswood Valve Lot, BDPL No. 5 would extend nine miles westward to the Pulgas Tunnel Portal in unincorporated San Mateo County.
Preliminary Recommendation: Certify the Environmental Impact Report
Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on February 5, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.
13. 2009.0172C (C. JAROSLAWSKY: (415) 558-6348)
5898 MISSION STREET - northwest side of Mission Street, between Lawrence and Sickles Avenues, Block 7143, Lot 033 - **Request to amend a Conditional Use Authorization** under Planning Code Sections 178(3)(c), 303 and 711.4 to extend the hours of operation of the retail market at the ARCO Service Station to 24-hours, seven days a week, within an NC-2 District 40-X Height and Bulk.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of June 11, 2009)
Note: On June 11, 2009, following public testimony, the Commission entertained a motion to disapprove. Motion failed on a vote of +3 -2. Commissioners Moore and Sugaya voted against and Commissioners Lee & Olague were absent. The matter was continued to July 9, 2009 by a vote of +5 -0.

F. REGULAR CALENDAR

14. 2009.0454T (E. FORBES: (415) 558-6417)
GENERAL ADVERTISING PROGRAM COST RECOVERY - Consideration of amendments to Planning Code Sections 303, 358 and 604.2, and Administrative Code Section 10.100-166 to increase the annual inventory fee for cost recovery; expand

the Planning Department's Code Enforcement Fund sources and uses to enforcement of all Planning Code violations; and to make clarifications to the program.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of June 25, 2009)

15. 2008.0354T: (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE SECTION 318 TO CLARIFY PROVISIONS OF THE SOUTH OF MARKET STABILIZATION FUND [BOARD FILE NO. 09-0477].
Ordinance introduced by Supervisor Daly amending the Planning Code to clarify certain provisions relating to the South of market (SOMA) Stabilization Fund by amending Section 318.2 and 318.7 to clarify that the Mayor's Office of Community Investment, the successor to the Mayor's Office of Community Development, will manage and expend the Fund; and amending Section 318.3 to clarify that the SOMA Stabilization fee is due before issuance of the final certificate of occupancy or within a time certain after the issuance of first certificate of occupancy, whichever is sooner.
Preliminary Recommendation: Approval
- 16a. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Conditional Use Authorization** under Planning Code Sections 253, 303 and 317 to construct a building higher than 40' in height and to demolish the two-unit, two-story over garage building with four bedrooms, and to construct a two-unit, three-story over garage with penthouse building with 5 bedrooms in a RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
Preliminary Recommendation: Disapprove
(Continued from Regular Meeting of June 18, 2009)
- 16b. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Variances** from the front setback and rear yard requirements pursuant to Sections 132 and 134 of the Planning Code, to allow the proposed building to be located within the required 6' front setback and to be located within the required 15' rear yard setback within an RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
(Continued from Regular Meeting of June 18, 2009)
17. 2005.0162E (S. SMITH: [415] 558-6373)
NEW IRVINGTON TUNNEL PROJECT - **Public Hearing on the Draft Environmental Impact Report.** The San Francisco Public Utilities Commission (SFPUC) is proposing the New Irvington Tunnel Project (also known as "NIT"). The project would be approximately 3.5 miles long, extending west from a new Alameda West Portal in the Sunol Valley to a new Irvington Portal in the City of Fremont. The new tunnel would be located approximately parallel to the existing tunnel, with an internal diameter between 8.5 and 10.5 feet. The depth of the tunnel would range from 30 to 700 feet below ground surface. Construction would occur at four work areas: Alameda West Portal (in Sunol Valley), Sheridan Valley (along Sheridan Road), Vargas (along Vargas Road near Interstate 880), and the Irvington Portal (along Mission Boulevard in the City of Fremont). **Written comments will be accepted at the Planning Department's offices until the close of business on Thursday, July 16, 2009.**
Preliminary Recommendation: No Action Required
18. 2006.0137E (B. BECKER: (415) 575-9045)
SUNOL VALLEY WATER TREATMENT PLANT EXPANSION AND TREATED WATER RESERVOIR PROJECT - **Informational Presentation and Public Hearing on the**

Draft Environmental Impact Report The San Francisco Public Utilities Commission (SFPUC) is proposing the Sunol Valley Water Treatment Plant (SVWTP) Expansion and Treated Water Reservoir Project. The SVWTP Project proposes the construction and operation of a new 17.5 million-gallon (MG) treated water reservoir, 3.5 MG chlorine contact tank, flocculation and sedimentation basin, construction of new effluent pipelines within the SVWTP, and a new 78-inch pipeline connecting the new treated water reservoir to the existing 78-inch plant discharge pipeline, which transports water from the plant to the existing Alameda Siphons. **Written comments will be accepted at the Planning Department's offices until the close of business on July 17, 2009.**
Preliminary Recommendation: No Action Required

5:30 p.m. -- [Although the following items may be called after the listed time, they will not be called before.]

- 19a. 2009.0555D (A. STARR: (415) 558-6362)
1813 GREENWICH STREET - south side between Laguna and Octavia Streets; Lot 041 in Assessor's Block 0519 - **Mandatory Discretionary Review** of Building Permit Application No. 2008.08.22.9843 (alteration); proposing to merge two dwelling units into one dwelling unit in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project
- 19b. 2008.1308D (A. STARR: 415-558-6362)
1813 GREENWICH STREET - south side between Laguna and Octavia Streets; Lot 041 in Assessor's Block 0519 - **Mandatory Discretionary Review** of Building Permit Application No. 2008.08.22.9843 (alteration) proposing to remove and rebuild the majority of the building's structure such that it constitutes a de facto demolition under Planning Code Section 317. The project would construct a two-story vertical addition above the existing one-story-over-garage structure in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project

G. PUBLIC COMMENT

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- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, July 16, 2009

1:30 PM

Regular Meeting

07-10-09P02A17 REV9

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PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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Or

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And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

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Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

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For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

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Accessible Meeting Policy

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Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

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COMMUNICATIONS

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- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

1. Consideration of Adoption:
 - Draft Minutes of Regular Meeting of February 26, 2009.
 - Draft Minutes of Special Joint Meeting with the Recreation and Park Commission of May 7, 2009.
 - Draft Minutes of Special Joint Meeting with the Building Inspection Commission of May 7, 2009
2. Commission Comments/Questions
 - Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

3. Director's Announcements
4. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

5. (A. KIEFER: (415) 575-9065)
UPDATE OF THE LAND USE INDEX - The purpose of this **informational staff presentation** is to apprise the Planning Commission of staff progress in updating the Land Use Index of the General Plan in accordance with previously adopted General Plan Amendments. The Land Use Index is an index to the General Plan directing readers to sections that contain land use policy. The updates reflect recently adopted General Plan amendments including Balboa Park, Eastern Neighborhoods, and the Visitacion Valley Redevelopment Plan in addition to some corrections.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

6. 2008.0467AC (A. THREADGILL: (415) 558-6602)
1640-1648 PACIFIC AVENUE - north side between Polk Street and Van Ness Avenue; Lot 011 in Assessor's Block 0574 - **Request for Conditional Use Authorization** pursuant to Sections 723.21 and 723.81 of the Planning Code to allow a ground floor retail use (dba *Firehouse 8*) and an institutional use in excess of 2,000 square feet and to allow a community assembly space on the second floor as part of a proposed project to adaptively reuse and rehabilitate "Engine Company No. 8 Firehouse," San Francisco Landmark No. 188, to a mixed-use retail, personal service, and community space with accessory office use, within the Polk Street NCD (Neighborhood Commercial) Zoning District and a 65-A Height and Bulk District. A Certificate of Appropriateness was issued by the Historic Preservation Commission for the proposed project at their May 20, 2009 hearing.
Preliminary Recommendation: Approval with Conditions
7. 2005.1106E (J. BATTIS (415) 575-9022)
2655 BUSH STREET - **Appeal of Preliminary Mitigated Negative Declaration**. Lot 024 of Assessor's Block 1052, is located at the southwest corner of Divisadero and Bush Streets within the block bounded by Bush Street to the north, Divisadero Street to the east, Sutter Street to the south, and Broderick Street to the west, in the Western Addition neighborhood. The project is the demolition of the existing vacant two-story, 20-foot-high, approximately 48,000-square-foot, 116-bed convalescent facility with approximately 1,000 square feet of commercial space and a below-grade 22-space parking garage, and construction of a new four-to-six-story, 40-to-65-foot-high, 108,000-square-foot building with about 4,500 square feet of ground-level retail space and about 83 dwelling units above, and a below-grade parking garage for up to 99 vehicles. The 33,522-square-foot project site is within a NC-3 (Moderate-Scale Neighborhood Commercial) zoning district and a 40-X/65A height and bulk district.
(Continued from Regular Meeting of June 25, 2009)
8. 2005.1106E (A. STARR: (415) 558-6362)
2655 BUSH STREET - southwest corner of Bush and Divisadero Streets, Lot 024 in Assessor's Block 1052 - **Request for Conditional Use Authorization** under Planning Code Sections 303 and 304 to allow a Planned Unit Development for the construction of a new four-to-six story building that contains 81 residential units, 99 parking spaces and approximately 4180 sq. ft. of commercial space in an NC-3 (Medium Scale Neighborhood Commercial) District and a combination of 40-X and 65-A Height and Bulk Districts. The project also includes the demolition of the vacant two-story convalescent facility that currently occupies the site.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of June 25, 2009)

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Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

07-17-09 03:28 PM RCVD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, July 23, 2009
1:30 PM
Regular Meeting

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PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

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1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2007.0007AEKX (P. LAVALLEY: (415) 575-9084)
750 2nd STREET - west side between Townsend and King Streets; Lot 002A in Assessor's Block 3794 - **Request for Large Project Authorization** under Planning Code Section 329 for Large Project Authorization with exceptions for (1) rear yard; (2) off-street parking spaces; and (3) dwelling unit exposure requirements for seven units not fronting onto a public right-of-way or a qualifying rear yard. The project is demolition of a one-story with mezzanine building and construction of an eight-story with mezzanine approximately 40,000 gross square foot and 95-foot tall building with up to 14 dwelling units, approximately 500 square feet of ground floor retail space, and 14 off-street parking spaces. The subject property is in the MUO (Mixed-Use Office) Zoning District with a 105-F Height and Bulk Designation. The subject property is also a non-contributing resource to the South End Historic District designated pursuant to Article 10 of the Planning Code.
Preliminary Recommendation: Approval with conditions
(Proposed for Continuance to September 10, 2009)
- 2a. 2008.0505DV (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street; Lot 036 in Assessor's Block 4218 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Demolition Permit Application No. 2008.04.03.8737 to demolish an existing single family dwelling within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Do not take Discretionary Review and approve demolition
(Proposed for Continuance to August 13, 2009)
- 2b. 2008.0505DV (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street; Lot 036 in Assessor's Block 4218 - **Request for Variance**, pursuant to Planning Code Section 134, to allow a rear yard of 10 feet where a rear yard of 28 feet is required within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation.
(Proposed for Continuance to August 13, 2009)
- 2c. 2009.0107D (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street; Lot 036 in Assessor's Block 4218 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Building Permit Application No. 2008.04.03.8738 to construct a three family dwelling as a replacement structure to the proposed demolition of

a single family dwelling within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation.
 Preliminary Recommendation: Do not take Discretionary Review and approve project as proposed
(Proposed for Continuance to August 13, 2009)

3. (M. SNYDER: (415) 575-6891)
BAYVIEW HUNTERS POINT SURVEY AREA C (AKA INDIA BASIN SHORELINE) COMMUNITY PLANNING PROCESS - Informational Presentation on the India Basin Shoreline Community Planning Process. In August 2007, the Planning Department and the Redevelopment Agency began a collaborative planning process to develop new land use controls and amend the Bayview Hunters Point Redevelopment Project Area to include the India Basin Shoreline. This informational presentation will focus on the community planning process to date, and provide an overview of the draft Sub-Area Plan and related materials presented and distributed at the community workshop on June 25, 2009.
(Proposed for Continuance to August 6, 2009)

4. 2009.0523U (M. SNYDER: (415) 575-6891)
BAYVIEW HUNTERS POINT SURVEY AREA C (AKA INDIA BASIN SHORELINE) - Approval of the Bayview Hunters Point Survey Area C Preliminary Plan, a Redevelopment document that initiates a process to amend the Bayview Hunters Point Redevelopment Project Area to include India Basin Shoreline. The subject area is generally bounded by Jennings Street to the northwest, the Hunters View Housing site and Innes Avenue to the southwest, Earl Street to the southeast, and the San Francisco Bay to the northeast; and includes: Block 4580, Lot 002; Block 4602A, Lot 014; Block 4603A, Lot 005; Block 4604A, Lot 002; Block 4606, Lot 100; Block 4607, Lot 025; Block 4620, Lots 001, 002; Block 4621, Lots 016, 018, 100, 101; Block 4623A, Lots 002; Block 4629A, Lots 010, 012; Block 4630, Lots 002, 005, 006, 100; Block 4631, Lots 001, 002; Block 4644, Lots 001, 002, 002A, 002B, 003, 003A, 003B, 004, 004A, 005, 005A, 006, 006A, 007, 008, 009, 010, 010A, 010B, 010C, 011; Block 4645, Lots 001, 002B, 003A, 004, 006, 007, 007A, 010, 010A, 011, 012, 013, 014, 015, 016, 017, 018, 019, 031, 035; and Block 4646, Lots 001, 002, 003, 003A, 005, 005A, 006, 006A, 007, 009, 010, 011, 019, 020, 021. According to state law, the Planning Commission must approve and submit a Preliminary Plan, containing proposed boundaries, goals, and general land uses, to the Redevelopment Agency to initiate amending an existing Project Area to include an additional area.
 Preliminary Recommendation: Approve motion to formulate the Preliminary Plan for Survey Area C and find it generally consistent with the San Francisco General Plan and submit to the Redevelopment Agency.
(Proposed for Continuance to August 6, 2009)

- 5a. 2006.0431CEKV (J. MILLER: (415) 558-6344)
1080 SUTTER STREET - north side between Hyde and Larkin Streets - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 157 for off-street parking in excess of accessory amounts (up to 39 spaces when the Code would permit 14) and Section 253 for height above 40 feet in a Residential District, to permit a new 11-story residential building with approximately 36 dwelling units, Lot 011 in Assessor's Block 0279, in an RC-4 (Residential-Commercial Combined, High Density) District and a 130-E Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
(Proposed for Indefinite Continuance)

- 5b. 2006.0431CEKV (J. MILLER: (415) 558-6344)
1080 SUTTER STREET - north side between Hyde and Larkin Streets - **Request for granting of Variances** of Planning Code standards for rear-yard area (Section 134),

projections over streets and alleys (Section 136) and dwelling-unit exposure (Section 140) to permit a new 11-story residential building with approximately 35 dwelling units, Lot 011 in Assessor's Block 0279, in a an RC-4 (Residential-Commercial Combined, High Density) District and a 130-E Height and Bulk District.
(Proposed for Indefinite Continuance)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

6. 2009.0400D (R. CRAWFORD: (415) 558-6358)
281-299 TURK STREET - at the southeast corner of Turk and Leavenworth Streets; Lot 006B, of Assessor's Block 0344 - **Mandatory Discretionary Review** of a proposed Dwelling Unit Conversion. The proposal is to convert an existing dwelling unit in an apartment building into a laundry room and storage area in the RC-4, Residential-Commercial Combined, High Density District and 80-120-T Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve the Permit
- 7a. 2009.0422XV (R. CRAWFORD: (415) 558-6358)
149 FELL STREET - south side of Fell Street, between South Van Ness Avenue and Franklin Streets; Lot 017 of Assessor's Block 0834 - **Request under Planning Code Section 309 for determinations of compliance.** The project would demolish the existing one-story concrete and wood-frame commercial building and construct a 5-story mixed use building with ground floor retail, 3 floors of office and three residential units on the fifth floor. This project revises a project previously approved for this property on 12/08/2005 in case 2005.0818X. This project lies within a C-3-G (Downtown, General Commercial) District and within the 120-X and 85-R-2 Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
- 7b. 2009.0422XV: (R. CRAWFORD: (415) 558-6358)
149 FELL STREET - south side of Fell Street, between South Van Ness Avenue and Franklin Streets; Lot 017 of Assessor's Block 0834. **The proposal is to construct 9,900 square feet of office space without providing public open space.** On 12/08/2005, in case 2005.0818V the Zoning Administrator granted a Variance to allow development of 6,600 square feet of office without providing public open space. The project has been revised to provide for an additional 3,300 square feet of office space. Section 138 of the Planning Code requires 1 square foot of public open space for each 50 square feet of office use. The project would provide no public open space where 66 square feet are required. This project lies within a C-3-G (Downtown, General Commercial) District and within the 120-X and 85-R-2 Height and Bulk District.
 Preliminary Recommendation: Approval with Conditions
- 8a. 2008.1341CV (A. PUTRA: (415) 575-9079)
1794 SAN JOSE AVENUE - north side between Santa Rosa and Pilgrim Avenues, Assessor's Block 6793, Lot 011 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 161(j) and 303 to allow the construction of two new dwelling units with no off-street parking in the NC-1 (Neighborhood Commercial, Cluster) District and a 40-X Height and Bulk District.
 Preliminary Recommendation:

- 8b. 2008.1341CV (A. PUTRA: (415) 575-9079)
1794 SAN JOSE AVENUE - north side between Santa Rosa and Pilgrim Avenues, Assessor's Block 6793, Lot 011- **Request for a Variance** from the rear yard requirement pursuant to Section 134 of the Planning Code, to allow a two-story vertical extension above an existing one-story building. The proposed vertical extension will be setback approximately 14.5 and 60 feet from the front building wall at second and third floors, respectively, and will be located within the required 23.5' rear yard setback within an NC-1 (Neighborhood Commercial, Cluster) District and a 40-X Height and Bulk District.
9. 2009.0356C (S. YOUNG: (415) 558-6346)
1117 IRVING STREET - southwest corner of Irving Street and 12th Avenue; Lot 001 in Assessor's Block 1767 - **Request for Conditional Use Authorization** under Sections 730.54 and 303 of the Planning Code to convert a vacant retail store with approximately 400 square feet of floor area into a foot massage establishment (dba Relax Feet), within the Inner Sunset Neighborhood Commercial Zoning District and a 40-X Height and Bulk District. The proposal will involve tenant improvements to the existing ground floor commercial space. There will be no expansion to the existing building envelope.
Preliminary Recommendation: Approval with Conditions
10. 2009.0489C (E. OROPEZA: (415) 558-6381)
1052-1058 FOLSOM STREET - - the corner of Folsom and Russ Streets, Lot 021 in Assessor's Block 3731 - **Request for Conditional Use Authorization** to establish a Large Self-Service Restaurant use (dba Beauty Italia) per Planning Code Sections 735.43, 790.90 and 249.40A within the SOMA Neighborhood Commercial Transit District, and a 65-X Height and Bulk District. The project is also within the SOMA Youth and Family Special Use Subdistrict. The proposed eating establishment is not identified as a formula retail use.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

11. Consideration of Adoption:
- Draft Minutes of Regular Meeting of July 9, 2009.
12. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

13. Director's Announcements
14. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

G. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

15. 2008.0788CV (A. STARR: (415) 558-6362)
50-52 GRENARD TERRACE - located in the middle of the block bounded by Van Ness Avenue, Lombard Street, Polk Street and Greenwich Street, Lot 009, in Assessor's Block 0502 - **Request for Conditional Use Authorization** under Planning Code Sections 253, 303 and 317 to construct a building higher than 40' in height and to demolish the two-unit, two-story over garage building with four bedrooms, and to construct a two-unit, three-story over garage with penthouse building with 5 bedrooms in a RH-3 (Residential, House, Three-Family) District and a 65-A Height and Bulk District.
Preliminary Recommendation: Disapprove
(Continued from Regular Meeting of July 9, 2009)
NOTE: On July 9, 2009, following public testimony, the Commission closed the public hearing and passed a motion of intent to approve by a vote of +7 -0 with final language on July 23, 2009.

H. REGULAR CALENDAR

16. 2008.0996C (A. HOLLISTER: (415) 575-9078)
1040 COLUMBUS AVENUE - east side between Francisco and Chestnut Streets, Lot 001 in Assessor's Block 0050 - **Request for Conditional Use Authorization** to add a bar use (Type 47 ABC Liquor License) to an existing restaurant (DBA "Cable Car Restaurant") and to legalize entertainment uses already found at the existing restaurant such as billiard tables. No construction is proposed under this application. This site is within the North Beach Neighborhood Commercial District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of June 25, 2009)
17. 2009.0405C (E. OROPEZA: (415) 558-6381)
3034 24TH STREET - between Treat Avenue and Harrison Street; Lot 071 in Assessor's Block 3640 - **Request for Conditional Use Authorization** to establish a Full Service-Restaurant (dba EL Rodeo Grill) per Planning Code Section 727.42 within the 24th Street Mission Neighborhood Commercial Transit District, and a 45-X Height and Bulk District. The project is also within the Mission Alcoholic Beverage Special Use Subdistrict. The proposed eating establishment is not identified as a formula retail use.
Preliminary Recommendation: Approval with Conditions

- 18a. 2007.0231D (G. CABREROS: (415) 558-6169)
2750 VALLEJO STREET - north side between Broderick and Divisadero Streets, Lot 006 in Assessor Block 0954 - **Request for Discretionary Review** of Building Permit Application No. 2008.08.14.9201 proposing facade alterations and rear and side horizontal additions to the existing three-story, single-family residence in an RH-1(D) (Residential House, One Family, Detached) Zoning District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve
 (Continued from Regular Meeting of June 25, 2009)
- 18b. 2009.0231DV (G. CABREROS: (415) 558-6169)
2750 VALLEJO STREET - north side between Broderick and Divisadero Streets; Lot 006 in Assessor's Block 0954 - **Request for a Front Setback Variance** pursuant to Section 132 of the Planning Code The proposal is to construct an approximately 3-foot deep by 13-foot wide bay window within the required front setback at the floor above the garage level at the front façade of the existing single-family residence in an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.

I. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

*** Notice of Future Agenda Items ***

Informational Presentation on the Universal Planning Notification (UPN) Project - the Planning Department's effort to consolidate, simplify and improve its public notification processes. For more information, including public notification survey, please visit <http://upn.sfplanning.org> - August 13, 2009

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION Regular Meeting *Thursday, July 30, 2009*

NOTICE IS HEREBY GIVEN that the Regular Meeting of the San Francisco Planning Commission for *Thursday, July 30, 2009*, has been cancelled. The next Regular Meeting of the Planning Commission will be held on, *Thursday, August 6, 2009*.

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER

PRESIDENT	RON MIGUEL
VICE-PRESIDENT	CHRISTINA OLAGUE
COMMISSIONER	MICHAEL J. ANTONINI
COMMISSIONER	GWYNETH BORDEN
COMMISSIONER	WILLIAM L. LEE
COMMISSIONER	KATHRIN MOORE
COMMISSIONER	HISASHI SUGAYA

DIRECTOR OF PLANNING
COMMISSION SECRETARY

JOHN RAHAIM
LINDA D. AVERY

07-27-09AUG:34 88V3

GOVERNMENT
DOCUMENTS DEPT

JUL 27 2009

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**SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar**

**Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, August 6, 2009**

**1:30 PM
Regular Meeting**

GOVERNMENT
DOCUMENTS DEPT

JUL 30 2009

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William Lee; Kathryn Moore;
Hisashi Sugaya

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Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp
Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 76

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sott@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine..

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2009.0684D (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 – Request for Mandatory Discretionary Review, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Demolition Permit Application No. 2008.12.01.7545 to demolish an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Do not take DR and approve the demolition.
(Proposed for continuance to: September 24, 2009)
- 1b. 2008.1379DDDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Request for Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Building Permit Application No. 2008.12.01.7550 to construct a two family dwelling unit as the replacement structure to the proposed demolition of an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. Four separate neighbor initiated Discretionary Review requests regarding the replacement structure have also been filed and will be considered at this hearing.
Preliminary Recommendation: Take DR and approve the new construction with modifications.
(Proposed for continuance to: September 24, 2009)
- 1c. 2008.1379DDDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Request for Front Setback and Rear Yard Variances** pursuant to Planning Code Section 132 and 134 for the construction of a new two family dwelling unit as the replacement structure to the proposed demolition of an existing single family dwelling within an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. These Variance requests will be heard and considered by the Zoning Administrator. Two requests for Mandatory Discretionary Review, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, and four separate neighbor initiated Discretionary Review requests, regarding the replacement structure, have also been filed and will be considered at this hearing.
(Proposed for continuance to: September 24, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

2. 2009.0396C (E. WATTY: (415) 558-6620)
77 FARALLONES STREET - south side between Plymouth and San Jose Avenues; Lot 033 in Assessor's Block 7108 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 209.1(f) and 303, to allow a second dwelling-unit to be added within an existing single-family dwelling that is located in the RH-1 (Residential House, One-Family) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
3. 2009.0513C (E. WATTY: (415) 558-6620)
69 CAMBON DRIVE - east side between Font Boulevard and 19th Avenue; Lot 001 in Assessor's Block 7324 - **Request for a Conditional Use Authorization**, pursuant to Planning Code Sections 303, 703.3, 703.4, 713.43, and 790.90, to allow a formula retail large fast-food restaurant (DBA Papa John's Pizza) to operate within the NC-S (Neighborhood Commercial, Shopping Center) District and 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
4. 2009.0374C (K. GUY: (415) 558-6163)
182 GOUGH STREET - between Oak and Page Streets, Lot 014 of Assessor's Block 0837 - **Request for Conditional Use Authorization** to allow a medical service use within the ground floor of an existing building, within the Hayes-Gough Neighborhood Commercial Transit District and the 50-X Height and Bulk District. Interior tenant improvements are proposed for the space; however, the exterior of the building will not be altered.
Preliminary Recommendation: Approval with Conditions
5. 2009.0322C (T. FRYE: (415) 575-6822)
617 SANSOME STREET - between Jackson and Washington Streets, Assessor's Block 0196; Lot 002. **Request for a Conditional Use Authorization** pursuant to Sections 249.25 and 303 of the Planning Code to change the legal use of the property from retail use to office use. The subject property is within a C-2 (Community Business) District with a 65-A Height and Bulk District, the Jackson Square Special Use District, and within the Jackson Square Historic District.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

6. Consideration of Adoption:
 - Draft Minutes of Regular Meeting of July 16, 2009.
 - Draft Minutes of Regular Meeting of July 23, 2009.
7. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

8. Director's Announcements
9. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

- 10a. (M. SNYDER: (415) 575-6891)
BAYVIEW HUNTERS POINT SURVEY AREA C (AKA INDIA BASIN SHORELINE) COMMUNITY PLANNING PROCESS - Informational Presentation on the India Basin Shoreline Community Planning Process. In August 2007, the Planning Department and the Redevelopment Agency began a collaborative planning process to develop new land use controls and amend the Bayview Hunters Point Redevelopment Project Area to include the India Basin Shoreline. This informational presentation will focus on the community planning process to date, and provide an overview of the draft Sub-Area Plan and related materials presented and distributed at the community workshop on June 25, 2009.
 (Continued from Regular Meeting of July 23, 2009)
- 10b. 2009.0523U (M. SNYDER: (415) 575-6891)
BAYVIEW HUNTERS POINT SURVEY AREA C (AKA INDIA BASIN SHORELINE) - Approval of the Bayview Hunters Point Survey Area C Preliminary Plan, a Redevelopment document that initiates a process to amend the Bayview Hunters Point Redevelopment Project Area to include India Basin Shoreline. The subject area is generally bounded by Jennings Street to the northwest, the Hunters View Housing site and Innes Avenue to the southwest, Earl Street to the southeast, and the San Francisco Bay to the northeast; and includes: Block 4580, Lot 002; Block 4596, Lot 025; Block 4596, Lot 026; Block 4597, Lot 021, 025, 026; Block 4602A, Lot 014; Block 4603A, Lot 005; Block 4604A, Lot 002; Block 4605, Lot 010, 011, 012, 013, 014, 015, 016, 017, 018, 019; Block 4606, Lot 025, 026, 100; Block 4607, Lot 024, 025; Block 4620, Lot 001, 002; Block 4621, Lot 016, 018, 019, 020, 021, 100, 101; Block 4622, Lot 007, 008, 012, 013, 016, 017, 018, 019; Block 4623A, Lot 002; Block 4629A, Lot 003, 004, 005, 006, 009, 010, 011, 012, 013; Block 4630, Lot 002, 005, 006, 007, 100; Block 4631, Lot 001, 002; Block 4644, Lot 001, 002, 002A, 002B, 003, 003A, 003B, 004, 004A, 005, 005A, 006, 006A, 007, 008, 009, 010, 010A, 010B, 010C, 011; Block 4645, Lot 001, 002B, 003A, 004, 006, 007, 007A, 010, 010A, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046; Block 4646, Lot 001, 002, 003, 003A, 005, 005A,

006,006A, 007, 009, 010, 011, 012, 019, 020, 021. According to state law, the Planning Commission must approve and submit a Preliminary Plan, containing proposed boundaries, goals, and general land uses, to the Redevelopment Agency, to initiate amending an existing Redevelopment Project Area to include an additional area.

Preliminary Recommendation: Approve motion to formulate the Preliminary Plan for Survey Area C and find it generally consistent with the San Francisco General Plan and submit to the Redevelopment Agency.

(Continued from Regular Meeting of July 23, 2009)

11. 2009.0417C (S. YOUNG: (415) 558-6346)
1000 VAN NESS AVENUE - between Myrtle and O'Farrell Streets; Lots 014 - 016 in Assessor's Block 0715 - **Request for Conditional Use Authorization** under Sections 209.8(d), 178(e), and 303 of the Planning Code to convert vacant second floor office space into a full-service restaurant with bar, cabaret, and comedy club (dba Holly's) within the AMC 1000 Van Ness Cinema building. The subject property is within the RC-4 (Residential-Commercial Combined, High Density) Zoning District, 130-E Height and Bulk District, the Van Ness Special Use District and the Special Sign District for Illumination. The AMC 1000 Van Ness Cinema building is San Francisco Landmark No. 152. The proposed restaurant/cabaret would occupy approximately 5,575 square feet of the building's second floor, where the dining/bar areas and entertainment stage would be located. The second floor space would be accessed by the interior staircase located at the rear of the cinema lobby. The cabaret ticket booth, kitchen, food preparation area and offices would occupy approximately 2,600 square feet of the building's first floor, where such use is principally permitted. The proposal will involve tenant improvements to the existing commercial space. There will be no alterations to the exterior of the AMC 1000 Van Ness Cinema building or any expansion to the existing building envelope.
Preliminary Recommendation: Approval with conditions
12. 2009.0524C (M. WOODS: (415) 558-6315)
2675 GEARY BOULEVARD - southeast corner at Masonic Avenue (aka the City Center); Lot 001 in Assessor's Block 1094 - **Request for Conditional Use Authorization** to allow a "formula retail use" (dba Marshalls and Home Goods) pursuant to Sections 303(c), 303(i) and 703.4 of the Planning Code, in an NC-3 (Moderate-Scale Neighborhood Commercial) District and 40-X/80-D Height and Bulk Districts.
Preliminary Recommendation: Approval with conditions
- 13a. 2008.0315D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue between Argent and Dixie Alleys, Lot 016 in Assessor's Block 2778 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2008.12.29.9251, proposing the demolition of a single-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
- 13b. 2009.0062D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue, between Argent and Dixie Alleys, extending through to Market Street, Lots 016 & 029 in Assessor's Block 2778 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2008.12.29.7248, proposing the construction of a new four-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the Project as proposed.

14. 2009.0454T (E. FORBES: (415) 558-6417)
GENERAL ADVERTISING PROGRAM COST RECOVERY - Consideration of amendments to Planning Code Sections 303, 358 and 604.2, and Administrative Code Section 10.100-166 to revert the fee increase for the annual inventory fee in FY2010-2011 for cost recovery; expand the Planning Department's Code Enforcement Fund sources and uses to enforcement of all Planning Code violations; and to make clarifications to the program.
Preliminary Recommendation: Approval with Amendments
(Continued from Regular Meeting of July 9, 2009)

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, August 13, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

AUG - 7 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp
Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 2008.1106D (G. CABREROS: (415) 558-6169)
2626 FILBERT STREET - north side between Broderick and Divisadero Streets, Lot 003B in Assessor's Block 0943 - **Request for Discretionary Review** of Demolition Permit Application No. 2007.12.24.1235 and Building Permit Application No. 2007.12.24.1234 proposing demolition of a four-story, single-family residence and new construction of a three-story, single-family residence in an RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.
(Proposed for continuance to October 22, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

- 2009.0630C (K. GUY: (415) 558-6163)
1217 POLK STREET - between Sutter and Bush Streets, Lot 005 of Assessor's Block 0670 - **Request for Conditional Use Authorization** to allow the relocation of an existing bar (d.b.a. "Lush Lounge") from 1092 Post Street (Lot 012 of Assessor's Block 0692) to 1217 Polk Street, within the Polk Street Neighborhood Commercial District and the 65-A Height and Bulk District. Interior and exterior tenant improvements are proposed for the space at 1217 Polk Street.
Preliminary Recommendation: Approval with Conditions
- 2009.0373D (R. CRAWFORD: (415) 558-6358)
1333 JONES STREET - west side between Clay and Washington Streets Lots 067 and 068, of Assessor's Block 0215C - **Mandatory Discretionary Review** of a proposed Dwelling Unit Merger. The proposal is to merge two owner occupied dwelling units in a condominium building into one owner occupied unit and reduce the number of units in the building from 130 to 129. Both units are now and will remain occupied on a full-time basis by the owner and her family in the RM-4, Residential Mixed High Density District and 40X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Permit

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:

- Draft Minutes of Regular Meeting of September 4, 2008.
- Draft Minutes of Regular Meeting of September 18, 2008.
- Draft Minutes of Special Meeting of September 25, 2008.
- Draft Minutes of Regular Meeting of September 25, 2008.
- Draft Minutes of Regular Meeting of October 23, 2008.
- Draft Minutes of Special Meeting of October 30, 2008.

5. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT**6. Director's Announcements****7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.**

- 8.** (S. SANCHEZ: (415) 558-6326)
UNIVERSAL PLANNING NOTIFICATION (UPN) PROJECT - Informational presentation to introduce the UPN Project (the Department's efforts to streamline notification standards and processes), provide an overview of current notification processes, outline proposed changes and receive input about the draft proposal.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

G. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

9. 2008.0996C (A. HOLLISTER: (415) 575-9078)
1040 COLUMBUS AVENUE - east side between Francisco and Chestnut Streets, Lot 001 in Assessor's Block 0050 - **Request for Conditional Use Authorization** to add a bar use (Type 47 ABC Liquor License) to an existing restaurant (DBA "Cable Car Restaurant") and to legalize entertainment uses already found at the existing restaurant such as billiard tables. No construction is proposed under this application. This site is within the North Beach Neighborhood Commercial District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of June 25, 2009)
Note: On July 23, 2009, following a failed motion to approve legalizing entertainment uses already found at the existing restaurant such as billiard tables and to disapprove adding a bar use – Type 47 ABC Liquor License (on a +3 -3 vote with Antonini, Borden & Lee voting against), the Commission continued this matter to August 13, 2009 to allow the absent commissioner the opportunity to participate in the final action, by a vote +5 -1. Commissioner Moore voted no. Commissioner Sugaya was absent. The public hearing remains closed.

H. REGULAR CALENDAR

10. 2009.0707MZ (A. KIEFER: (415) 575-9065)
MARKET & OCTAVIA HISTORIC AREA PLAN LEVEL HISTORIC SURVEY INTEGRATION - Initiate Amendments to the Market and Octavia Area Plan of the General Plan and Zoning Map to integrate Market and Octavia Area Plan Level Historic Survey prepared by Page and Turnbull and make Clarifications and Technical Amendments. Earlier this year the Planning Commission endorsed the Page and Turnbull Area Plan level survey of the Market and Octavia Area Plan with some modifications. Following this endorsement staff in coordination with the community, have developed a recommendation for the integration of these findings into the Market and Octavia Plan as required by the Planning Commission and Board of Supervisors. Staff will provide an informational presentation and an overview of proposed amendments.
Preliminary Recommendation: Initiate Amendments to the General Plan and Zoning Map, refer portions of the Amendments to the Historic Preservation Commission.
11. 2007.0953C (A. HOLLISTER: (415) 575-9078)
1684-1698 MARKET STREET - northeast corner of Gough Street, Lot 006 in Assessor's Block 0854 - **Request for Conditional Use Authorization** to legalize the expansion of an existing full-service restaurant (d.b.a. Espetus Churrascaria) into an adjacent commercial storefront occupying the ground and mezzanine-level of the storefront. The expansion would increase the restaurant's floor area from approximately 9,990 gross square feet to approximately 11,790 gross square feet. No physical expansion of the existing building would occur. This site is within a NCT-3 (Moderate-Scale Neighborhood Commercial Transit) District, and an 85-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
12. 2009.0114C (A. PUTRA: (415) 575-9079)
1042 TARAVAL STREET (1026-1042 TARAVAL STREET) - north side of Taraval Street between 20th and 21st Avenues; Lot 018 in Assessor's Block 2349 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 711.42, 781.1, and 303 to establish a full-service restaurant (d.b.a. "Katoyama Ramen") in an NC-2 (Small Scale, Neighborhood Commercial) District, within the Taraval Street Restaurant and Fast-food Subdistrict, and a 65-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

13. 2008.1354C (C. TEAGUE: (415) 575-9081)
201 FOLSOM STREET (AKA 314 MAIN STREET) - south side between Main and Beale Street, Lot 003 (previously Lot 001) in Assessor's Block 3746 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 303(e) to modify the performance period condition of Motion No. 16647 for Case No. 2000.1073C to extend the approval period another 3 years from the date of expiration of the original approval of a mixed use project consisting of two residential towers of heights of 350 and 400 feet above an 80-foot podium, with up to 725 dwelling units, 750 off-street parking spaces, 38,000 square feet of commercial space, and 272 replacement off-street parking spaces for the adjacent USPS facility, in a RC-4 (Residential-Commercial Combined, High Density District) and a 400-W Height and Bulk District, and within the Folsom and Main Residential/Commercial Special Use District. No changes are proposed for the existing project as originally approved.
Preliminary Recommendation: Approval with Conditions
14. 2009.0408C (E. WATTY: (415) 558-6620)
2550 SLOAT BOULEVARD - north side at the northeast corner of 44th Avenue; Lot 005 in Assessor's Block 2512 - **Request for a Conditional Use Authorization**, pursuant to Planning Code Sections 303, 711.83, 790.80, to install a wireless telecommunications facility consisting of 9 new panel antennas screened inside faux chimneys located on the existing building rooftop and measuring approximately 38'-6" above grade, with 6 equipment cabinets located on the roof of the garage, as part of AT&T's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and 100-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
15. 2005.0911CEV (G. CABREROS: (415) 558-6169)
616 DIVISADERO STREET - **Informational Item** - east side between Hayes and Grove Streets, Lot 002J in Assessor's Block 1202 - Conditional Use Authorization would be required to allow development of a lot greater than 9,999 square feet and to allow non-residential uses greater than 3,999 square feet within the NC-2 (Small-Scale Neighborhood Commercial) District, the Divisadero Street Alcohol Restricted Use District and a 65-A Height and Bulk District. The project proposes the alteration and adaptive re-use of an existing building (the vacant Harding Theater) to retain two existing storefront spaces at the ground floor and to retain the existing levels of the main auditorium and mezzanine as an auditorium space. Replacement of the marquee and blade sign at the front façade is proposed. The existing fly loft/backstage structure is proposed to be removed to allow for the new construction of a five-story, eight-unit building with eight parking spaces fronting Hayes Street.
16. 2009.0398C (M. WOODS: (415) 558-6315)
3115 FILLMORE STREET - west side between Pixley and Filbert Streets; Lot 008 in Assessor's Block 0515 - **Request for Conditional Use Authorization** to allow a new full-service restaurant (d.b.a. "Kasa Indian Eatery") pursuant to Sections 303(c) and 725.42 of the Planning Code, in a vacant retail space within the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
17. 2009.0556D (M. WOODS: (415) 558-6315)
226 - 28th AVENUE - east side between Lake and California Streets; Lot 022Q in Assessor's Block 1387 - **Request for Discretionary Review** of Building Permit Application No. 2009.02.19.2392S, proposing rear and side horizontal additions, and the

replacement of the exterior rear staircase to the existing two-story over garage, single-family residence in an RH-1(D) (Residential, House, One-Family, Detached) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the project

18. 2009.0635D (E. WATTY: (415) 558-6620)
635 BURNETT AVENUE - east side of Burnett Avenue, where Burnett Avenue intersects Perego Terrace; Lot 041, in Assessor's Block 2826 - **Request for Discretionary Review** of Building Permit Application No. 2009.04.01.5348, which proposes the construction of a horizontal rear addition to fill-in the void beneath the cantilevered upper three stories. The proposal also includes a one-story deck that will project from the proposed addition. The Subject Property is located within the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the Project as proposed.
19. 2009.0547D (G. CABREROS: (415) 558-6169)
225-227 LAGUNA STREET - west side of Laguna Street between Page and Haight Streets; Lot 049 and 050 in Assessor's Block 0851 - **Request for Discretionary Review** of Building Permit Application No. 2008.12.05.7883 proposing to construct a roof deck on the existing building and to construct exterior stairs within the existing side yard of a two-unit, three-story-over-garage building within an RTO (Residential Transit-Oriented Neighborhood) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project

6:00 p.m.

NOTE: Items listed below may be called after 6:00 p.m. but can not be heard or considered before 6:00 p.m.

- 20a. 2008.0505DDDV (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street; Lot 036 in Assessor's Block 4218 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Demolition Permit Application No. 2008.04.03.8737 to demolish an existing single family dwelling within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation. Two separate public initiated Discretionary Review requests regarding the replacement structure have also been filed and will be considered at this hearing.
Preliminary Recommendation: Take Discretionary Review and approve replacement structure subject to modifications
(Continued from Regular Meeting of July 23, 2009)
- 20b. 2008.0505DDDV (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street; Lot 036 in Assessor's Block 4218 - **Request for Variance**, pursuant to Planning Code Section 134, to allow a rear yard of 10 feet where a rear yard of 28 feet is required within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation.
(Continued from Regular Meeting of July 23, 2009)
- 20c. 2009.0107D (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street; Lot 036 in Assessor's Block 4218 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Building Permit Application No. 2008.04.03.8738 to

construct a three family dwelling as a replacement structure to the proposed demolition of a single family dwelling within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation.

Preliminary Recommendation: Do not take Discretionary Review and approve demolition
(Continued from Regular Meeting of July 23, 2009)

I. PUBLIC COMMENT

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Adjournment:

NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION

Regular Meetings

Thursdays, August 20 and 27, 2009

NOTICE IS HEREBY GIVEN that the Regular Meeting of the San Francisco Planning Commission for ***Thursdays, August 20 and 27, 2009***, have been cancelled. The next Regular Meeting of the Planning Commission will be held on, ***Thursday, September 3, 2009***.

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER

PRESIDENT	RON MIGUEL
VICE-PRESIDENT	CHRISTINA OLAGUE
COMMISSIONER	MICHAEL J. ANTONINI
COMMISSIONER	GWYNETH BORDEN
COMMISSIONER	WILLIAM L. LEE
COMMISSIONER	KATHRIN MOORE
COMMISSIONER	HISASHI SUGAYA

DIRECTOR OF PLANNING
COMMISSION SECRETARY

JOHN RAHAIM
LINDA D. AVERY

GOVERNMENT
DOCUMENTS DEPT

AUG 14 2009

SAN FRANCISCO
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SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

08-27-09P04:14 RCVD

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, September 3, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

AUG 27 2009

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President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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or as a recorded message at (415) 558-6422.

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Or

View the broadcast live, *Thursdays on Cable Channel 78.*

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

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1650 MISSION STREET, 4TH FLOOR RECEPTION

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These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2008.0315D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue between Argent and Dixie Alleys, Lot 016 in Assessor's Block 2778 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2008.12.29.9251, proposing the demolition of a single-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
(Continued from Regular Meeting of August 6, 2009)
(Proposed for Continuance to September 17, 2009)
- 1b. 2009.0062D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue, between Argent and Dixie Alleys, extending through to Market Street, Lots 016 & 029 in Assessor's Block 2778 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2008.12.29.7248, proposing the construction of a new four-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the Project as proposed.
(Continued from Regular Meeting of August 6, 2009)
(Proposed for Continuance to September 17, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

2. 2009.0340C (S. LAI: (415) 558-9087)
1915 IRVING STREET (AKA 1905 IRVING STREET) - south side between 20th & 21st Avenues; Lot 052 of Assessor's Block 1775 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections, 711.44 and 303, to convert a retail commercial space to a small self-service restaurant, within the Irving Street Special Use NC-2 (Neighborhood Commercial, Small Scale District) and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

3. Consideration of Adoption:

- Draft Minutes of Regular Meeting of July 17, 2008.
- Draft Minutes of Regular Meeting of August 7, 2008.
- Draft Minutes of Regular Meeting of October 16, 2008.
- Draft Minutes of Regular Meeting of August 6, 2009.
- Draft Minutes of Regular Meeting of August 13, 2009.

4. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT**5. Director's Announcements**

Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

6. (B. FU: (415) 558-6613)
- 2235 3RD STREET - Informational Presentation on project modifications, as submitted in a request for Zoning Administrator written determination that the Project is in general conformity with Motion No. 17680. The Project revisions include unit count increase to 196, unit mix and size, for a previously approved 179-unit mixed used commercial and residential project. The project also proposes minor facade alterations.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

7. 2009.0379Z (L. LANGLOIS: (415) 575-9083)
- BAYVIEW TECHNICAL MAP AMENDMENTS - This Map amendment addresses miscellaneous parcels throughout the Bayview Hunters Point neighborhood, an area generally bounded by Cesar Chavez to the north, Bayshore Boulevard to the west, San Mateo County line to the South and the San Francisco Bay to the east. The purpose of this map amendment is two fold: to make technical revisions to the Bayview Hunters Point PDR rezone completed in June 2008, and to rezone some parcels that are still

zoned M-1 to zoning designations that match existing land uses with the long term intent to maintain the existing uses. **The Planning Commission will consider a resolution of intent to initiate Zoning Map amendments consisting of revisions to Sectional Maps ZN08, ZN10, and SU10 of the Zoning Map of the City and County of San Francisco.** This amendment would: 1) reclassify certain parcels within the area generally bounded by Cesar Chavez Street, Bayshore Boulevard, Kirkwood Avenue, and Third Street from M-1 (Light Industrial) or M-2 (Heavy Industrial) to PDR-2 (Production, Distribution and Repair); 2) reclassify certain parcels within the area generally bounded by Newcomb Avenue, Rankin Street, Elmira Street and Industrial Street from C-M (Heavy Commercial), M-1 (Light Industrial), PDR-1-B/PDR-2 (Light Industrial Buffer/ Production, Distribution and Repair) to PDR-1-B (Light Industrial Buffer) or PDR-2 (Production, Distribution and Repair); 3) reclassify certain parcels within the area generally bounded by McKinnon Avenue, Phelps Street, Oakdale Avenue, and Quint Street from M-1 (Light Industrial) or RH-2 (Residential) to P (Public); 4) reclassify certain parcels within the area generally bounded by Williams Ave, Kalmanovitz Street, Egbert Avenue, and Newhall Street from M-1 (Light Industrial) to PDR-1-B (Light Industrial Buffer), PDR-2 (Production, Distribution and Repair) or RH-1 (Residential); 5) reclassify certain the parcels within the area generally bounded by Revere Avenue, Mendell Street, Egbert Avenue and Hawes Street from M-1 (Light Industrial), PDR-1-B/PDR-2 (Light Industrial Buffer/ Production, Distribution and Repair, PDR-1-B (Light Industrial Buffer) or PDR-2 (Production, Distribution and Repair) to PDR-1-B, PDR-2, RH-1 (Residential) or RH-2 (Residential); 6) apply the Design and Development Special Use to certain parcels within the area generally bounded by Donner Avenue, Jennings Street Egbert Avenue, and Third Street. Preliminary Recommendation: Approve the resolution of intent to initiate the Zoning Map amendments to allow the Department to advertise a later public hearing.

2009.0476CV

(P. LAVALLEY: (415) 575-9084)

178 TOWNSEND STREET - northeast corner of Townsend Street and Clarence Place. Lot 012 in Assessor's Block 3788 - **Request for Conditional Use authorization pursuant to Planning Code Sections 303 and 803.9** to allow renovation and construction of a vertical addition to provide up to 94 dwelling units, ground floor retail space and daycare space, and up to 45 off-street parking spaces, in an approximately 62 foot tall building. The Zoning Administrator will hear related rear yard, parking, and dwelling unit exposure variance requests. The subject property is within an SLI (Service, Light Industrial) District with a 65-X Height and Bulk District and within the South End Historic District.

Preliminary Recommendation: Approval with conditions

2009.0476CV

(P. LAVALLEY (415) 575-9084)

178 TOWNSEND STREET - northeast corner of Townsend Street and Clarence Place. Lot 012 in Assessor's Block 3788 - **Request for Variance** pursuant to Planning Codes Sections 134, 140, and 151 from rear yard, dwelling unit exposure, and parking requirements, to allow renovation and construction of an addition to provide 94 dwelling units and commercial space. The subject property is within an SLI (Service, Light Industrial) District with a 65-X Height and Bulk District and within the South End Historic District.

2008.1354C

(C. TEAGUE: (415) 575-9081)

201 FOLSOM STREET (AKA 314 MAIN STREET) - south side between Main and Beale Street. Lot 003 (previously Lot 001) in Assessor's Block 3746 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 303(e) to modify the performance period condition of Motion No. 16647 for Case No. 2000.1073C to extend the approval period another 3 years from the date of expiration of the original approval of a mixed use project consisting of two residential towers of heights of 350 and 400 feet above an 80-

foot podium, with up to 725 dwelling units, 750 off-street parking spaces, 38,000 square feet of commercial space, and 272 replacement off-street parking spaces for the adjacent USPS facility, in a RC-4 (Residential-Commercial Combined, High Density District) and a 400-W Height and Bulk District, and within the Folsom and Main Residential/Commercial Special Use District. No changes are proposed for the existing project as originally approved.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 13, 2009)

2009.0327D

(S. LAI: (415) 575-9087)

905-907 DIAMOND STREET - northwest corner of Diamond and Jersey Streets; Lot 026 of Assessor's Block 6539 - **Mandatory Discretionary Review for Dwelling Unit Merger Request**, pursuant to Planning Code Sections 317, requiring review of dwelling unit mergers, of Building Permit Application No. 2009.04.27.7146, proposing to merge four dwelling units to two dwelling units. The property is located within a RH-2 (Residential, Two Units) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Modifications and Conditions

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Adjournment:

***** Notice of Future Agenda Items *****

On September 17, 2009, there will be an Informational Joint Hearing of the Planning Commission and Health Commission to discuss CPMC's IMP, the Department of Public Health's health planner review process, and the Health Commission's resolution regarding CPMC's IMP. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").

A separate public hearing will be held by the Planning Commission at later date to present and collect public comment on CPMC's Institutional Master Plan, in accordance with the requirements of Planning Code Section 304.5.

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

CORRECTION
SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar

Commission Chambers - Room ~~400~~ **416**
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, September 3, 2009

1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

AUG 28 2009

President: Ron Miguel
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President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2008.0315D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue between Argent and Dixie Alleys, Lot 016 in Assessor's Block 2778 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2008.12.29.9251, proposing the demolition of a single-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
(Continued from Regular Meeting of August 6, 2009)
(Proposed for Continuance to September 17, 2009)
- 1b. 2009.0062D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue, between Argent and Dixie Alleys, extending through to Market Street, Lots 016 & 029 in Assessor's Block 2778 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2008.12.29.7248, proposing the construction of a new four-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the Project as proposed.
(Continued from Regular Meeting of August 6, 2009)
(Proposed for Continuance to September 17, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

2. 2009.0340C (S. LAI: (415) 558-9087)
1915 IRVING STREET (AKA 1905 IRVING STREET) - south side between 20th 21st Avenues; Lot 052 of Assessor's Block 1775 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections, 711.44 and 303, to convert a retail commercial space to a small self-service restaurant, within the Irving Street Special Use

NC-2 (Neighborhood Commercial, Small Scale District) and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

3. Consideration of Adoption:

- Draft Minutes of Regular Meeting of July 17, 2008.
- Draft Minutes of Regular Meeting of August 7, 2008.
- Draft Minutes of Regular Meeting of October 16, 2008.
- Draft Minutes of Regular Meeting of August 6, 2009.
- Draft Minutes of Regular Meeting of August 13, 2009.

4. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

5. Director's Announcements

Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

6. (B. FU: (415) 558-6613)
- 2235 3RD STREET - Informational Presentation** on project modifications, as submitted in a request for Zoning Administrator written determination that the Project is in general conformity with Motion No. 17680. The Project revisions include unit count increase to 196, unit mix and size, for a previously approved 179-unit mixed used commercial and residential project. The project also proposes minor facade alterations.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

7. 2009.0379Z (L. LANGLOIS: (415) 575-9083)
- BAYVIEW TECHNICAL MAP AMENDMENTS** - This Map amendment addresses miscellaneous parcels throughout the Bayview Hunters Point neighborhood, an area

generally bounded by Cesar Chavez to the north, Bayshore Boulevard to the west, San Mateo County line to the South and the San Francisco Bay to the east. The purpose of this map amendment is two fold: to make technical revisions to the Bayview Hunters Point PDR rezone completed in June 2008, and to rezone some parcels that are still zoned M-1 to zoning designations that match existing land uses with the long term intent to maintain the existing uses. **The Planning Commission will consider a resolution of intent to initiate Zoning Map amendments consisting of revisions to Sectional Maps ZN08, ZN10, and SU10 of the Zoning Map of the City and County of San Francisco.** This amendment would: 1) reclassify certain parcels within the area generally bounded by Cesar Chavez Street, Bayshore Boulevard, Kirkwood Avenue, and Third Street from M-1 (Light Industrial) or M-2 (Heavy Industrial) to PDR-2 (Production, Distribution and Repair); 2) reclassify certain parcels within the area generally bounded by Newcomb Avenue, Rankin Street, Elmira Street and Industrial Street from C-M (Heavy Commercial), M-1 (Light Industrial), PDR-1-B/PDR-2 (Light Industrial Buffer/ Production, Distribution and Repair) to PDR-1-B (Light Industrial Buffer) or PDR-2 (Production, Distribution and Repair); 3) reclassify certain parcels within the area generally bounded by McKinnon Avenue, Phelps Street, Oakdale Avenue, and Quint Street from M-1(Light Industrial) or RH-2 (Residential) to P (Public); 4) reclassify certain parcels within the area generally bounded by Williams Ave, Kalmanovitz Street, Egbert Avenue, and Newhall Street from M-1 (Light Industrial) to PDR-1-B (Light Industrial Buffer), PDR-2 (Production, Distribution and Repair) or RH-1 (Residential); 5) reclassify certain the parcels within the area generally bounded by Revere Avenue, Mendell Street, Egbert Avenue and Hawes Street from M-1 (Light Industrial), PDR-1-B/PDR-2 (Light Industrial Buffer/ Production, Distribution and Repair, PDR-1-B (Light Industrial Buffer), or PDR-2 (Production, Distribution and Repair) to PDR-1-B, PDR-2, RH-1(Residential) or RH-2 (Residential); 6) apply the Design and Development Special Use to certain parcels within the area generally bounded by Donner Avenue, Jennings Street Egbert Avenue, and Third Street. Preliminary Recommendation: Approve the resolution of intent to initiate the Zoning Map amendments to allow the Department to advertise a later public hearing.

- 8a. 2009.0476CV (P. LAVALLEY: (415) 575-9084)
178 TOWNSEND STREET - northeast corner of Townsend Street and Clarence Place; Lot 012 in Assessor's Block 3788 - **Request for Conditional Use authorization pursuant to Planning Code Sections 303 and 803.9** to allow renovation and construction of a vertical addition to provide up to 94 dwelling units, ground floor retail space and daycare space, and up to 45 off-street parking spaces, in an approximately 62 foot tall building. The Zoning Administrator will hear related rear yard, parking, and dwelling unit exposure variance requests. The subject property is within an SLI (Service, Light Industrial) District with a 65-X Height and Bulk District and within the South End Historic District.
 Preliminary Recommendation: Approval with conditions
- 8b. 2009.0476CV (P. LAVALLEY (415) 575-9084)
178 TOWNSEND STREET - northeast corner of Townsend Street and Clarence Place; Lot 012 in Assessor's Block 3788 – **Request for Variance** pursuant to Planning Codes Sections 134, 140, and 151 from rear yard, dwelling unit exposure, and parking requirements, to allow renovation and construction of an addition to provide 94 dwelling units and commercial space. The subject property is within an SLI (Service, Light Industrial) District with a 65-X Height and Bulk District and within the South End Historic District.
9. 2008.1354C (C. TEAGUE: (415) 575-9081)
201 FOLSOM STREET (AKA 314 MAIN STREET) - south side between Main and Beale Street, Lot 003 (previously Lot 001) in Assessor's Block 3746 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 303(e) to modify the performance period condition of Motion No. 16647 for Case No. 2000.1073C to extend the approval period another 3 years from the date of expiration of the original approval of a mixed use

project consisting of two residential towers of heights of 350 and 400 feet above an 80-foot podium, with up to 725 dwelling units, 750 off-street parking spaces, 38,000 square feet of commercial space, and 272 replacement off-street parking spaces for the adjacent USPS facility, in a RC-4 (Residential-Commercial Combined, High Density District) and a 400-W Height and Bulk District, and within the Folsom and Main Residential/Commercial Special Use District. No changes are proposed for the existing project as originally approved.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of August 13, 2009)

10. 2009.0327D (S. LAI: (415) 575-9087)
905-907 DIAMOND STREET - northwest corner of Diamond and Jersey Streets; Lot 026 of Assessor's Block 6539 - **Mandatory Discretionary Review for Dwelling Unit Merger Request**, pursuant to Planning Code Sections 317, requiring review of dwelling unit mergers, of Building Permit Application No. 2009.04.27.7146, proposing to merge four dwelling units to two dwelling units. The property is located within a RH-2 (Residential, Two Units) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: ~~Approval with Modifications and Conditions~~ Take Discretionary Review, Approve with Modifications

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

***** Notice of Future Agenda Items *****

On September 17, 2009, there will be an Informational Joint Hearing of the Planning Commission and Health Commission to discuss CPMC's IMP, the Department of Public Health's health planner review process, and the Health Commission's resolution regarding CPMC's IMP. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").

A separate public hearing will be held by the Planning Commission at later date to present and collect public comment on CPMC's Institutional Master Plan, in accordance with the requirements of Planning Code Section 304.5.

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

SAN FRANCISCO PLANNING COMMISSION Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, September 10, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

SEP - 4 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp
Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sotf@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0197CEX (A. CONTRERAS: (415) 575-9044)
942 MISSION STREET - north side of Mission Street, between Fifth and Sixth Streets, Lot 15 in Assessor's Block 3704 - **Appeal of Preliminary Mitigated Negative Declaration** for a project proposing the demolition of an existing two-story-over-basement office and commercial building, and construction of a 152-foot-tall, 15-story building containing approximately 3,240 square feet of ground-floor retail space, 4,025 square feet of ground floor circulation and building service space, and about 72,000 square feet of hotel space including 172 hotel rooms, with pedestrian access from Mission and Jessie Streets. No off-street parking or loading is proposed. The project is located in a C-3-G (Downtown General Commercial) Use District and a 160-F Height and Bulk District.
Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration (Continued from Regular Meeting of July 9, 2009)
(Proposed for Continuance to October 22, 2009)
- 2a. 2008.0197CEX (J. MILLER: (415) 558-6344)
942 MISSION STREET - north side between Mint and Sixth Streets, a through-lot to Jessie Street - **Review under Planning Code Section 309** of new construction of a 15-story HOTEL, approximately 79,000 gross square feet, with approximately 172 rooms, approximately 3,240 square feet of ground-floor retail space and approximately 152 feet in height, Lot 015 in Assessor's Block 3704, in a C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.
(Continued from Regular Meeting of July 9, 2009)
(Proposed for Continuance to October 22, 2009)
- 2b. 2008.0197CEX (J. MILLER: (415) 558-6344)
942 MISSION STREET - north side between Mint and Sixth Streets, a through-lot to Jessie Street - **Request for Conditional Use Authorization** pursuant to Planning Code Section 216(b)(i) for a new HOTEL with approximately 172 rooms, Lot 015 in Assessor's Block 3704, in a C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.
(Continued from Regular Meeting of July 9, 2009)
(Proposed for Continuance to October 22, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2009.0687D (R. CRAWFORD: (415) 558-6358)
1256 MISSION STREET - (north side between 8th and 9th Streets), Assessor's Block 3701 Lot 008 - **Mandatory Discretionary Review for a Medical Cannabis Dispensary**
The proposal is to develop a Medical Cannabis Dispensary (dba San Francisco Patient Resource Center, SPARC) on the ground floor of an existing building. This project lies within a C-3-G (Downtown, General Commercial) District, and within the 150S Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve the Application.

C. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

5. Director's Announcements
6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
7. 2005.1068CKSVX (J. MILLER: (415) 558-6344)
1340 & 1390 MISSION STREET - **Public Art Program, pursuant to Planning Code Section 149** - northeast corner at Tenth Street, a through-lot tot Jessie Street, and southwest corner of Jessie Street at Ninth Street, Lots 013, 026, 027, 051, 052, 053 and 054 in Assessor's Block 3508, in a C-3-G (Downtown Commercial, General) District and in 120-X, 150-S and 200-S Height and Bulk Districts

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

8. 2009.0408C (E. WATTY: (415) 558-6620)
2550 SLOAT BOULEVARD - north side at the northeast corner of 44th Avenue; Lot 005 in Assessor's Block 2512 - **Request for a Conditional Use Authorization**, pursuant to Planning Code Sections 303, 711.83, 790.80, to install a wireless telecommunications facility consisting of 9 new panel antennas screened inside faux chimneys located on the existing building rooftop and measuring approximately 38'-6" above grade, with 6 equipment cabinets located on the roof of the garage, as part of AT&T's wireless telecommunications network within a NC-2 (Neighborhood Commercial, Small-Scale) Zoning District and 100-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of August 13, 2009)

9. 2009.0459C: (R. CRAWFORD: (415) 558-6358)
90 TURK STREET - (North side between Taylor and Eddy Streets), Assessor's Block 0340 Lot 012 - **Request for Conditional Use Authorization under Planning Code Section 249(d)** to relocate an existing Off-Sale Liquor Establishment (Liquor Store) at 67 Turk Street (dba Grand Liquor) to 90 Turk Street (dba Tip-Top Market). Planning Code Section 249(d) requires Conditional Use authorization for such a transfer within the North of Market Residential Special Use District. This project lies within a RC-4 (Residential-Commercial Combined, High Density) District, the North of Market Residential Special Use District and within the 80-120T Height and Bulk District.
Preliminary Recommendation: Disapproval
10. 2007.0007AEKX (P. LAVALLEY: (415) 575-9084)
750 2nd STREET - west side between Townsend and King Streets; Lot 002A in Assessor's Block 3794 - **Request for Large Project Authorization** under Planning Code Section 329 for Large Project Authorization with exceptions for (1) rear yard; (2) off-street parking spaces; and (3) dwelling unit exposure requirements for seven units not fronting onto a public right-of-way or a qualifying rear yard. The project is for the demolition of a one-story with mezzanine building and construction of an eight-story with mezzanine, approximately 40,000 gross square feet and a 95-foot tall building with up to 14 dwelling units, approximately 500 square feet of ground floor retail space, and 14 off-street parking spaces. The subject property is in the MUO (Mixed-Use Office) Zoning District with a 105-F Height and Bulk Designation. The subject property is also a non-contributing resource to the South End Historic District designated pursuant to Article 10 of the Planning Code.
(Continued from Regular Meeting of July 23, 2009)
Preliminary Recommendation: Approval with conditions
11. 2007.0689E (B. BOLLINGER: (415) 575-9024)
900 FOLSOM STREET - Assessor's Block 3732 Lots 009, 018, 048 and 147 - **Public Hearing on the Draft Environmental Impact Report**. The project site is a 56,000-square-foot parcel located at the corner of Folsom and Fifth Streets in the South of Market neighborhood. The proposed project would demolish the existing surface parking lot and replace it with a new 85-foot-high building with 271 residential units, ground-level retail uses, and 229 parking spaces. The project site is within a Mixed Use - Residential (MUR) District, an 85-X and 45-X Height and Bulk District. **Written comments will be accepted at the Planning Department's offices until 5 p.m. on September 15, 2009.**
Preliminary Recommendation: No Action Required
(Continued from Regular Meeting of July 23, 2009)
12. 2007.0690E (B. BOLLINGER: (415) 575-9024)
260 FIFTH STREET - Assessor's Block 3732 Lots 150 and 008 - **Public Hearing on the Draft Environmental Impact Report**. The project site is a 28,641-square-foot parcel located on the block bounded by Fifth, Sixth, Howard and Folsom Streets in the South of Market neighborhood. The proposed project would demolish the existing warehouse building and parking lot and replace it with a new 85-foot-high building with 179 residential units, ground-level retail uses, and 133 parking spaces. The project site is within a Mixed Use - Residential (MUR) District and an 85-X Height and Bulk District. **Written comments will be accepted at the Planning Department's offices until 5 p.m. on September 15, 2009.**
Preliminary Recommendation: No Action Required
13. (D. SIDER: (415) 558-6697)
"NC@20: LOOKING BACK ON 20 YEARS OF NEIGHBORHOOD COMMERCIAL ZONING" - Review and comment on this report, which responds to Planning Code

requirements for periodic status reports on the Neighborhood Commercial Zoning Controls. NC@20 looks back at the previous two decades and examines the nature of the NC zoning controls, discusses outstanding issues, and recommends approaches to address those issues. In broad terms, the purpose of the report is to provide a body of information which will help frame the continued evolution of NC zoning controls. NC@20 is available in PDF format on the Planning Department's web site (www.sfplanning.org) under the "New Releases" heading. Printed copies of NC@20 are available for \$6 (which covers reproduction costs) at the San Francisco Planning Department, 1650 Mission Street, 4th Floor, San Francisco, CA 94103.

Preliminary Recommendation: No action required.

14. 2009.0327D (S. LAI: (415) 575-9087)
905-907 DIAMOND STREET - northwest corner of Diamond and Jersey Streets; Lot 026 of Assessor's Block 6539 - **Mandatory Discretionary Review for Dwelling Unit Merger Request**, pursuant to Planning Code Sections 317, requiring review of dwelling unit mergers, of Building Permit Application No. 2009.04.27.7146, proposing to merge four dwelling units to two dwelling units. The property is located within a RH-2 (Residential, Two Units) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Modifications and Conditions
(Continued from Regular Meeting of September 3, 2009)
- 15a. 2007.0921DD (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit Application No. 2007.09.20.3151 (demolition); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project
- 15b. 2007.0921DD (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Request for Discretionary Review** of Demolition Permit Application No. 2007.09.20.3151; proposing to demolish the existing two-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project
- 15c. 2008.1155D & 2008.1156D (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit Application Nos. 2007.09.20.3152 and 2007.09.20.3157 (new construction); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Modify Project
- 15d. 2008.1213D (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Request for Discretionary Review** of Building Permit Application Nos. 2007.09.20.3152 and 2007.09.20.3157; proposing to construct two new, four-story, two-unit buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Modify Project

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

***** Notice of Future Agenda Items *****

On September 17, 2009, there will be an Informational Joint Hearing of the Planning Commission and Health Commission to discuss CPMC's IMP, the Department of Public Health's health planner review process, and the Health Commission's resolution regarding CPMC's IMP. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").

A separate public hearing will be held by the Planning Commission at later date to present and collect public comment on CPMC's Institutional Master Plan, in accordance with the requirements of Planning Code Section 304.5.

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

**ADDENDUM
SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar**

09-03-0000331 00/0

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, September 10, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

SEP - 8 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin
Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- A.1 2009.0479D (C. Teague: (415) 575-9081)
772 WISCONSIN STREET, west side, between 20th and 22nd Streets; Lot 020 in Assessor's Block 4097, **Request for Discretionary Review** of Building Permit Application No. 2007.07.13.6790 to add a 3rd story to the existing 2-story single-family home, extend the rear of the building, and redesign the front façade in a RH-2

(Residential, House Districts, Two-Family) Zoning District and 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project as Proposed.

(Proposed for continuance to September 24, 2009)

- A.2a. 2006.0825CVS (E. Jackson: (415) 558-6363)
782-786 ANDOVER STREET, west side between Ellsworth Street and Benton Avenue, Lots 007-009 in Assessor's Block 5825 - **Request for Conditional Use (CU) authorization** pursuant to Planning Code Sections 242(f) and 303 to allow the new construction of six dwelling units on three consecutive lots within an RH-2 (Residential, House, Two-Family) Zoning District, a 40-X Height and Bulk District, and the South Slope of the Bernal Heights Special Use District. The project also includes a Subdivision Application for the proposal to reconfigure the three lots 90 degrees from the existing pattern.
Preliminary Recommendation: Approval with Conditions
(Proposed for continuance to September 17, 2009)

- A.2b. 2006.0825CVS (E. Jackson: (415) 558-6363)
782-786 ANDOVER STREET, west side between Ellsworth Street and Benton Avenue, Lots 007-009 in Assessor's Block 5825 - **Request for Lot Width, Lot Area, and Parking Variances** pursuant to Planning Code Sections 121(d), 121(e), and 242(e)(4) to allow the new construction of six dwelling units on three consecutive lots within an RH-2 (Residential, House, Two-Family) Zoning District, a 40-X Height and Bulk District, and the South Slope of the Bernal Heights Special Use District. The Zoning Administrator will consider the Variance application concurrently with the Planning Commission. The project also includes a Subdivision Application for the proposal to reconfigure the three lots 90 degrees from the existing pattern.
(Proposed for continuance to September 17, 2009)

**SAN FRANCISCO
PLANNING COMMISSION
&
Department of Public Health
Commission
Notice of Joint Meeting
&
Calendar**

**Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, September 17, 2009
10:00 AM
Special Meeting**

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

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The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

GOVERNMENT
DOCUMENTS DEPT

SEP 11 2009

SAN FRANCISCO
PUBLIC LIBRARY

10:00 A.M. _____

PLANNING COMMISSION ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini, Gwyneth Borden, William L. Lee, Kathrin Moore, Hisashi Sugaya

PUBLIC HEALTH COMMISSION ROLL CALL:

President:	James M. Illig
Vice President:	Sonia E. Melara
Commissioners:	Edward A. Chow, Margine A. Sako, David J. Sanchez, Jr., Steven Tierney, Catherine M. Waters

A. SPECIAL CALENDAR

2008.1409I (E. WATTY: (415) 558-6620)
CALIFORNIA PACIFIC MEDICAL CENTER (CPMC) INSTITUTIONAL MASTER PLAN (IMP) - **Informational Joint Hearing of the Planning Commission and Health Commission** to discuss CPMC's IMP, the Department of Public Health's health planner review process, and the Health Commission's resolution regarding CPMC's IMP. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").

A separate public hearing will be held by the Planning Commission on October 15, 2009, to present and collect public comment on CPMC's Institutional Master Plan, in accordance with the requirements of Planning Code Section 304.5.

Adjournment:

**SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar**

**Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, September 17, 2009**

**1:30 PM
Regular Meeting**

GOVERNMENT
DOCUMENTS DEPT

SEP 11 2009

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William J. Lee; Kathrin Moore;
Hisashi Sugaya

SAN FRANCISCO
PUBLIC LIBRARY

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

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And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 76

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sotf@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. (C. NIKITAS: (415) 558-6306)
REVIEW OF DEMOLITION ORDINANCE & POLICIES - On April 18, 2008, the Board of Supervisors unanimously passed Ordinance 69-08 [BF 080210] which established Planning Code Section 317 to regulate the loss of dwelling units. Over a year after its implementation, the Ordinance will be reviewed at a public hearing. **The Planning Commission will discuss the intent of the Ordinance; the efficacy of the Ordinance in general; and specific planning policies and procedures related to review for loss of dwelling units, including loss due to institutional expansion.** Legislation introduced by Supervisor Mirkarimi that would amend Section 317 to require replacement of sound housing will be presented and discussed, prior to action on that legislation at a hearing on or after October 15, 2009.
Preliminary Recommendation: Informational Only - No Action To be Taken
(Proposed for Continuance to September 24, 2009)
2. 2009.0424C (K GUY: (415) 558-6163)
565 GREEN STREET - between Columbus and Grant Avenues, Lot 020 of Assessor's Block 0131 - **Request for Conditional Use Authorization** to add live entertainment to an existing restaurant and wine bar (dba "dell'uva") at 565 Green Street, within the North Beach Neighborhood Commercial District, the 40-X Height and Bulk District, and the North Beach Special Use District.
Preliminary Recommendation: Disapproval
(Proposed for Continuance to October 1, 2009)
3. 2009.0322C (T. FRYE: (415) 575-6822)
617 SANSOME STREET - between Jackson and Washington Streets, Assessor's Block 0196; Lot 002 - **Request for a Conditional Use Authorization** pursuant to Sections 249.25 and 303 of the Planning Code to change the legal use of the property from retail use to office use. The subject property is within a C-2 (Community Business) District with a 65-A Height and Bulk District, the Jackson Square Special Use District, and within the Jackson Square Historic District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of August 6, 2009)
(Proposed for Continuance to October 15, 2009)
4. 2008.0395E (I. NISHIMURA: (415) 575-9041)
2130 FULTON STREET - University of San Francisco Center for Science and Innovation - north side, between Golden Gate, Masonic, and Parker Avenues; Lot 003 in Assessor's Block 114 - **Public Hearing on an Appeal of the Preliminary Mitigated Negative Declaration.** The approximately 80,000-square-foot project site is on the Main Campus of the University of San Francisco, in the existing Harney Green and Harney Plaza area.

The proposed project includes removal of Harney Green and Plaza; site excavation; and construction of a three-story with a partial fourth floor, 53-foot high building with a partial basement, which would connect on all floors to the south end of the existing Harney Science Building, and a below-grade, two-level structure, which is also a component of the proposed project. The roof of this building would serve as a new plaza and pedestrian area. Together, the new structures would have approximately 60,000 square feet of classrooms, laboratories, instrumentation rooms, and building mechanical/support spaces. The project site is within an RH-2 (Residential, House, Two-Family) District and an 80-D Height and Bulk District. The proposed project would require Conditional Use Authorization for a post-secondary institutional use in an RH-2 District, and for exceeding a building height of 40 feet in an R District.

Preliminary Recommendation: Uphold Mitigated Negative Declaration
(Proposed for continuance to Thursday, November 5, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

5. 2009.0680Q (D. SÁNCHEZ: (415) 575-9082)
2540 - 2550 HYDE STREET, - east side between Bay and Francisco Streets, Lot 046 in Assessor's Block 0045 - **Public hearing, under Article 9 of the Subdivision Code, to determine consistency of a proposed six-unit Condominium-Conversion Subdivision with the General Plan** located in a RH-3 (Residential, House, Three-Family) District and a 40-X Height and Bulk District. The proposal is to convert the existing six-unit building to a condominium form of ownership and does not involve expansion, alteration or demolition of the existing building.
Preliminary Recommendation: Approval

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

6. Consideration of Adoption:

- Draft Minutes of Regular Meeting of September 3, 2009.

Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

7. Director's Announcements

8. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

- 9a. 2006.0825CVS (E. JACKSON: (415) 558-6363)
782-786 ANDOVER STREET - west side between Ellsworth Street and Benton Avenue, Lots 007-009 in Assessor's Block 5825 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 242(f) and 303 to allow the new construction of six dwelling units on three consecutive lots within an RH-2 (Residential, House, Two-Family) Zoning District, a 40-X Height and Bulk District, and the South Slope of the Bernal Heights Special Use District. The project also includes a Subdivision Application for the proposal to reconfigure the three lots 90 degrees from the existing pattern.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of September 10, 2009)
- 9b. 2006.0825CVS (E. JACKSON: (415) 558-6363)
782-786 ANDOVER STREET - west side between Ellsworth Street and Benton Avenue, Lots 007-009 in Assessor's Block 5825 - **Request for Lot Width, Lot Area, and Parking Variances** pursuant to Planning Code Sections 121(d), 121(e), and 242(e)(4) to allow the new construction of six dwelling units on three consecutive lots within an RH-2 (Residential, House, Two-Family) Zoning District, a 40-X Height and Bulk District, and the South Slope of the Bernal Heights Special Use District. The Zoning Administrator will consider the Variance application concurrently with the Planning Commission. The project also includes a Subdivision Application for the proposal to reconfigure the three lots 90 degrees from the existing pattern.
(Continued from Regular Meeting of September 10, 2009)
10. (S. WERTHEIM: (415) 558-6612)
PORT OF SAN FRANCISCO, PIER 70 PREFERRED MASTER PLAN (BOUND BY MARIPOSA, ILLINOIS AND 22ND STREETS) - Assessor's Parcel 9900 Lots 068 & 070. **Informational Presentation by the Port of San Francisco** on the Pier 70 Draft Preferred Master Plan. In 2007, the Port of San Francisco initiated a community based planning process to develop a Preferred Master Plan for the Port's 65-acre Pier 70 site, which will lead to an update of the Port's Waterfront Land Use Plan policies for Pier 70. This planning effort included coordination with the Planning Department through the Central Waterfront and Eastern Neighborhoods Planning process. This informational presentation will focus on the planning process and key components of the draft Plan including the historic preservation strategy, land use, urban design, open space, transit and circulation, new development and comments received to date. The presentation will also outline how the Port and Planning department will continue to coordinate their efforts to maintain consistency between the Port and City Land Use Plans.
Preliminary Recommendation: Informational Only.
- 11a. 2007.0921DD (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit

Application No. 2007.09.20.3151 (demolition); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project (Continued from Regular Meeting of September 10, 2009)

Note: On September 10, 2009, following public testimony, the Commission continued the matter to September 17, 2009 by a vote of +7 -0. Public hearing remains open.

- 11b. 2007.0921DD (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Request for Discretionary Review** of Demolition Permit Application No. 2007.09.20.3151; proposing to demolish the existing two-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project (Continued from Regular Meeting of September 10, 2009)

Note: On September 10, 2009, following public testimony, the Commission continued the matter to September 17, 2009 by a vote of +7 -0. Public hearing remains open.

- 11c. 2008.1155D & 2008.1156D (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit Application Nos. 2007.09.20.3152 and 2007.09.20.3157 (new construction); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Modify Project (Continued from Regular Meeting of September 10, 2009)

Note: On September 10, 2009, following public testimony, the Commission continued the matter to September 17, 2009 by a vote of +7 -0. Public hearing remains open.

- 11d. 2008.1213D (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Request for Discretionary Review** of Building Permit Application Nos. 2007.09.20.3152 and 2007.09.20.3157; proposing to construct two new, four-story, two-unit buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Take Discretionary Review and Modify Project (Continued from Regular Meeting of September 10, 2009)

Note: On September 10, 2009, following public testimony, the Commission continued the matter to September 17, 2009 by a vote of +7 -0. Public hearing remains open.

- 12a. 2008.0315D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue between Argent and Dixie Allies, Lot 016 in Assessor's Block 2778 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2008.12.29.9251, proposing the demolition of a single-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

(Continued from Regular Meeting of September 3, 2009)

- 12b. 2009.0062D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue, between Argent and Dixie Allies, extending through to Market Street, Lots 016 & 029 in Assessor's Block 2778 - **Mandatory Discretionary Review** pursuant to Planning Code Section 317, of Building Permit Application No. 2008.12.29.9248, proposing the construction of a new four-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the revised new construction with modifications.
(Continued from Regular Meeting of September 3, 2009)
- 12c. 2009.0749D (E. WATTY: (415) 558-6620)
829 CORBETT AVENUE - east side of Corbett Avenue, between Argent and Dixie Allies, extending through to Market Street, Lots 016 & 029 in Assessor's Block 2778 - **Request for Discretionary Review** of Building Permit Application No. 2008.12.29.9248, proposing the construction of a new four-family dwelling, located in the RM-1 (Residential Mixed, Low-Density) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the revised new construction with modifications.
(Continued from Regular Meeting of September 3, 2009)

G. PUBLIC COMMENT

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Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, September 24, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

SEP 18 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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And

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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

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Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sott@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.0750D (C. TEAGUE: (415) 575-9081)
70 LINDA STREET - west side, between 18th and 19th Streets; Lot 049K in Assessor's Block 3588 - **Request for Discretionary Review** of Building Permit Application No. 2009.04.21.6791 to add a 677 square foot 3rd story addition to the existing 2-story single-family home in a RTO-M (Residential Transit-Oriented - Mission Neighborhood District) Zoning District and 45-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project as Proposed.
(Proposed for Continuance to October 1, 2009)
- 2a. 2009.0684D (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Request for Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Demolition Permit Application No. 2008.12.01.7545 to demolish an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Do not take DR and approve the demolition.
(Continued from Regular Meeting of August 6, 2009)
(Proposed for Continuance to October 8, 2009)
- 2b. 2008.1379DDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Request for Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Building Permit Application No. 2008.12.01.7550 to construct a two family dwelling unit as the replacement structure to the proposed demolition of an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. Four separate neighbor initiated Discretionary Review requests regarding the replacement structure have also been filed and will be considered at this hearing.
Preliminary Recommendation: Take Discretionary Review and approve the new construction with modifications.
(Continued from Regular Meeting of August 6, 2009)
(Proposed for Continuance to October 8, 2009)
- 2c. 2008.1379DDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Request for Front Setback and Rear Yard Variances** pursuant to Planning Code Section 132 and 134 for the construction of a new two family dwelling unit as the replacement structure to the proposed demolition of an existing single family dwelling within an RH-2 (Residential, House, Two-Family) District with a 40-X

Height and Bulk Designation. These Variance requests will be heard and considered by the Zoning Administrator. Two requests for Mandatory Discretionary Review, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, and four separate neighbor initiated Discretionary Review requests, regarding the replacement structure, have also been filed and will be considered at this hearing.

(Continued from Regular Meeting of August 6, 2009)

(Proposed for Continuance to October 8, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2009.0688C (K. GUY: (415) 558-6163)
990 POLK STREET - southeast corner at Geary Street, Lot 280 of Assessor's Block 0716:
Request for Conditional Use Authorization to establish a large fast-food restaurant (ice cream and coffee shop) in an existing vacant commercial storefront located at 990 Polk Street, within the NC-3 (Moderate-Scale Neighborhood Commercial) District, the 130-E Height and Bulk District, and the Automotive Special Use District.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:
- Draft Minutes of Regular Meeting of August 14, 2008
 - Draft Minutes of Regular Meeting of December 4, 2008.
 - Draft Minutes of Joint Hearing w/Recreation and Park Commission of December 4, 2008.
 - Draft Minutes of Regular Meeting of December 11, 2008.
 - Draft Minutes of Regular Meeting of September 10, 2009.
5. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

6. Director's Announcements

7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

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F. REGULAR CALENDAR

8. 2009.0629C (E. WATTY: (415) 558-6620)
723 TARAVAL STREET - south side between 17th and 18th Avenues; Lot 052 in Assessor's Block 2408 – **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 303, 711.54 and 790.60, to convert a vacant commercial space (formerly Wells Fargo Home Mortgage) with approximately 1,470 square feet of gross floor area into a massage establishment (dba Perfect Foot Massage Center) within the NC-2 (Neighborhood Commercial, Small-Scale) District and 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
9. 2009.0530C (D. SÁNCHEZ: (415).575.9082)
2884 24TH STREET - northeast corner of Florida Street; Lot 022 in Assessor's Block 4208 – **Request for Conditional Use authorization**, pursuant to Planning Code Sections 727.24, 727.26 and 727.44 to establish an outdoor activity area, a walk up facility and a small self service restaurant (dba La Palma Market) within the 24th Street – Mission Neighborhood Commercial Transit District and a 45-X Height and Bulk designation.
Preliminary Recommendation: Approval with Conditions
10. 2009.0580C (S. YOUNG: (415) 558-6346)
2443 LOMBARD STREET - south side between Divisadero and Scott Streets; Lot 026 in Assessor's Block 0937 - **Request for Conditional Use Authorization** under Sections 303, 712.54, and 790.60 of the Planning Code to convert vacant commercial space (formerly occupied by dba Fish Fish & More Fish) with approximately 1,000 square feet of floor area into a massage establishment (dba Perfect Health Center), within the NC-3 (Moderate-Scale) Neighborhood Commercial Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
11. 2009.0379Z (L. LANGLOIS: 415)-575-9083)
BAYVIEW TECHNICAL MAP AMENDMENTS – This Map amendment addresses miscellaneous parcels throughout the Bayview Hunters Point neighborhood, an area generally bounded by Cesar Chavez to the north, Bayshore Boulevard to the west, San Mateo County line to the South and the San Francisco Bay to the east. The purpose of this map amendment is two fold: to make technical revisions to the Bayview Hunters Point PDR rezone completed in June 2008, and to rezone some parcels that are still zoned M-1 to zoning designations that match existing land uses with the long term intent to maintain the existing uses. The Planning Commission will consider Planning Code Map Amendments pursuant to Planning Code Section 302 and 306.3 that would amend Sectional Maps ZN08, ZN10, and SU10 of the Zoning Map of the City and County of San Francisco. This amendment would: 1) reclassify certain parcels within the area generally bounded by Cesar Chavez Street, Bayshore Boulevard, Kirkwood Avenue, and Third Street from M-1 (Light Industrial) or M-2 (Heavy Industrial) to PDR-2 (Production,

Distribution and Repair); 2) reclassify certain parcels within the area generally bounded by Newcomb Avenue, Rankin Street, Elmira Street and Industrial Street from C-M (Heavy Commercial), M-1 (Light Industrial), PDR-1-B/PDR-2 (Light Industrial Buffer/ Production, Distribution and Repair) to PDR-1-B (Light Industrial Buffer) or PDR-2 (Production, Distribution and Repair); 3) reclassify certain parcels within the area generally bounded by McKinnon Avenue, Phelps Street, Oakdale Avenue, and Quint Street from M-1 (Light Industrial) or RH-2 (Residential) to P (Public); 4) reclassify certain parcels within the area generally bounded by Williams Ave, Kalmanovitz Street, Egbert Avenue, and Newhall Street from M-1 (Light Industrial) to PDR-1-B (Light Industrial Buffer), PDR-2 (Production, Distribution and Repair) or RH-1 (Residential); 5) reclassify certain parcels within the area generally bounded by Revere Avenue, Mendell Street, Egbert Avenue and Hawes Street from M-1 (Light Industrial), PDR-1-B/PDR-2 (Light Industrial Buffer/ Production, Distribution and Repair, PDR-1-B (Light Industrial Buffer), or PDR-2 (Production, Distribution and Repair) to PDR-1-B, PDR-2, RH-1 (Residential) or RH-2 (Residential); 6) apply the Design and Development Special Use to certain parcels within the area generally bounded by Donner Avenue, Jennings Street Egbert Avenue, and Third Street. The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors and adopt findings, including environmental findings and findings of consistency the General Plan and the Priority Policies of Planning Code Section 101.1.

Preliminary Recommendation: Approval

12. (C. NIKITAS: (415) 558-6306)

REVIEW OF DEMOLITION ORDINANCE & POLICIES - On April 18, 2008, the Board of Supervisors unanimously passed Ordinance 69-08 [BF 080210] which established Planning Code Section 317 to regulate the loss of dwelling units. Over a year after its implementation, the Ordinance will be reviewed at a public hearing. **The Planning Commission will discuss the intent of the Ordinance; the efficacy of the Ordinance in general; and specific planning policies and procedures related to review for loss of dwelling units, including loss due to institutional expansion.** Legislation introduced by Supervisor Mirkarimi that would amend Section 317 to require replacement of sound housing will be presented and discussed, prior to action on that legislation at a future hearing.

Preliminary Recommendation: Informational Only - No Action to be Taken

(Continued from Regular Meeting of September 17, 2009)

- 13a. 2007.0921DD (A. STARR: (415) 558-6362)

673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit Application No. 2007.09.20.3151 (demolition); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project

(Continued from Regular Meeting of September 17, 2009)

Note: On September 10, 2009, following public testimony, the Commission continued the matter to September 17, 2009 by a vote of +7 -0. Public hearing remains open.

- 13b. 2007.0921DD (A. STARR: (415) 558-6362)

673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Request for Discretionary Review** of Demolition Permit Application No. 2007.09.20.3151; proposing to demolish the existing two-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project

(Continued from Regular Meeting of September 17, 2009)

Note: On September 10, 2009, following public testimony, the Commission continued the matter to September 17, 2009 by a vote of +7 -0. Public hearing remains open.

- 13c. 2008.1155D & 2008.1156D (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Mandatory Discretionary Review** of Building Permit Application Nos. 2007.09.20.3152 and 2007.09.20.3157 (new construction); proposing to demolish the existing two-story, two-family dwelling, subdivide the lot and construct two, four-story, two-family buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Modify Project
(Continued from Regular Meeting of September 17, 2009)
Note: On September 10, 2009, following public testimony, the Commission continued the matter to September 17, 2009 by a vote of +7 -0. Public hearing remains open.
- 13d. 2008.1213D (A. STARR: (415) 558-6362)
673-675 44th AVENUE - west side between Balboa and Anza Streets; Lot 012 in Assessor's Block 1587 - **Request for Discretionary Review** of Building Permit Application Nos. 2007.09.20.3152 and 2007.09.20.3157; proposing to construct two new, four-story, two-unit buildings in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
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14. 2009.0479D (C. TEAGUE: (415) 575-9081)
772 WISCONSIN STREET - west side, between 20th and 22nd Streets; Lot 020 in Assessor's Block 4097 - **Request for Discretionary Review** of Building Permit Application No. 2007.07.13.6790 to add a 3rd story to the existing 2-story single-family home, extend the rear of the building, and redesign the front façade in a RH-2 (Residential, House, Two-Family) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project as Proposed.
(Continued from Regular Meeting of September 10, 2009)
15. 2009.0642D (J. IONIN: (415) 558-6309)
2642-2644 HYDE STREET - east side between North Point and Bay Streets; Lot 017 in Assessor's Block 0027 - **Request for Discretionary Review** of Building Permit Application No. 2004.11.02.8353; to legalize a balcony, in a two-unit, four-story building in an RH-3 (Residential, House, Three-Family) District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project

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SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

09-25-09P03:06 RCVD

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

GOVERNMENT
DOCUMENTS DEPT

Thursday, October 1, 2009

SEP 25 2009

1:30 PM

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For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sotf@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0787T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS RELATING TO PLANNING CODE SECTION 209.1(M) TO AMEND THE REQUIREMENTS FOR DOUBLE DENSITY HOUSING [BOARD FILE NO. 09-0906] - Ordinance introduced by Supervisor Chiu amending Planning Code Section by adding Section 102.6.1 to create a definition related to housing for seniors; amending 209.1(m) related to the uses permitted in Residential Districts to update the requirements for obtaining double density for providing senior housing and, adding Section 209.1(o) to require, in certain circumstances, a conditional use authorization; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval
(Proposed for Continuance to October 8, 2009)
2. 2009.0639C (A. STARR: (415) 558-6362)
1969 CALIFORNIA STREET - south side between Octavia and Gough Streets, Lot 016, in Assessor's Block 0649 - **Request for Conditional Use Authorization** under Planning Code Sections 209.9(e) and 303, to allow an art gallery and associated offices in a designated City Landmark, Landmark # 260, the Tobin House, in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions
(Proposed for Continuance to October 8, 2009)
3. 2009.0747C: (A. STARR: (415) 558-6362)
2233 UNION STREET - south side between Steiner and Fillmore Streets, Lot 032, in Assessor's Block 0539 - **Request for Conditional Use Authorization** under Planning Code Sections 303, 317 and 725.53 to allow a Business/Professional Service use on the third floor of the subject building where a dwelling unit currently exists in the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Pending
(Proposed for Continuance to October 8, 2009)
4. 2009.0424C (K. GUY: (415) 558-6163)
565 GREEN STREET - between Columbus and Grant Avenues, Lot 020 of Assessor's Block 0131 - **Request for Conditional Use Authorization** to add live entertainment to an existing restaurant and wine bar (dba "dell'uva") at 565 Green Street, within the North Beach Neighborhood Commercial District, the 40-X Height and Bulk District, and the North Beach Special Use District.
Preliminary Recommendation: Disapproval
(Continued from Regular Meeting of September 17, 2009)
(Proposed for Indefinite Continuance)

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

5. Consideration of Adoption:

- Draft Minutes of Regular Meeting of August 14, 2008.
- Draft Minutes of Joint Meeting with Recreation and Park Commission of December 4, 2008.
- Draft Minutes of Regular Meeting of December 4, 2008.
- Draft Minutes of Regular Meeting of December 11, 2008.
- Draft Minutes of Regular Meeting of December 18, 2008.
- Draft Minutes of Regular Meeting of September 10, 2009
- Draft Minutes of Joint Hearing with Health Commission of September 17, 2009.
- Draft Minutes of Regular Meeting of September 17, 2009.

6. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT**7. Director's Announcements****8. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.****D. GENERAL PUBLIC COMMENT – 15 MINUTES**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

9. 2008.0911T (T. SULLIVAN: (415) 558-6257)
SEISMIC STRENGTHENING OF SOFT-STORY WOOD-FRAME BUILDINGS BOARD FILE NO. 080956 - Ordinance introduced by Mayor Newsom that finds a compelling public policy basis for expediting the processing and review of permits for seismic retrofit upgrades of soft-story, wood-frame buildings; amending Sections 350 and 355 of the Planning Code to waive permit-processing fees for the proportionate share of work related to such seismic retrofit upgrades; making environmental findings and findings of consistency with the City's General Plan and Planning Code Section 101.1.
Preliminary Recommendation: Approval.

10. 2009.0750D (C. TEAGUE: (415) 575-9081)
70 LINDA STREET - west side, between 18th and 19th Streets; Lot 049K in Assessor's Block 3588 - **Request for Discretionary Review** of Building Permit Application No. 2009.04.21.6791 to add a 677 square foot 3rd story addition to the existing 2-story single-family home in a RTO-M (Residential Transit-Oriented - Mission Neighborhood) Zoning District and a 45-X Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project as Proposed.
(Continued from Regular Meeting of September 24, 2009)
11. 2009.0631D (M. WOODS: (415) 558-6315)
3255 BALBOA STREET - southeast corner at 34th Avenue; Lot 001A in Assessor's Block 1611 - **Request for Discretionary Review** of Building Permit Application No. 2009.05.15.8480, proposing to change the use from an "Other Large Institutional" use (formerly the Institute of Religious Science of San Francisco) to an "Other Entertainment" use for a banquet hall for social events (Magdalena Banquet Hall) in an existing one-story building, in an NC-2 (Small-Scale Neighborhood Commercial) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Approve Project with conditions.
- 12a. 2008.0069D (S. HAYWARD: (415) 558-6372)
176 RANDALL STREET - north side between Whitney and Church Streets, Lot 030 in Assessor's Block 6655 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of residential demolition, of Demolition Permit Application No. 2007.12.26.1293 proposing to demolish a one-story-over-garage, single-family dwelling located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
- 12b. 2008.0003DDDDDD (S. HAYWARD: (415) 558-6372)
176 RANDALL STREET - north side between Whitney and Church Streets; Lot 030 in Assessor's Block 6655 - **Mandatory Discretionary Review** under the Planning Commission's policy requiring review of the construction of new residential buildings in association with residential demolition, of Building Permit Application No. 2007.12.26.1296, proposing to construct a new two-family dwelling on the subject lot, located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the new construction with modifications.

F. PUBLIC COMMENT

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- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, October 8, 2009
1:30 PM
Regular Meeting

GOVERNMENT
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SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

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1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

- 1a. 2008.0719D (S. CALTAGIRONE: (415) 558-6381)
2626 LARKIN STREET - east side between Chestnut and Lombard Streets; Lot 011 in Assessor's Block 0069 - **Mandatory Discretionary Review** per Section 317 of the Planning Code of Building Permit Application No. 2008.0926.2736, proposing to demolish a three-story, two-unit residential building on a property located within an RH-3 (Residential, House, Three-Family) District and a 40-X Height/Bulk District.
Preliminary Recommendation: Pending
(Proposed for Continuance to October 22, 2009)
- 1b. 2009.0907D (S. CALTAGIRONE: (415) 558-6381)
2626 LARKIN STREET - east side between Chestnut and Lombard Streets; Lot 011 in Assessor's Block 0069 - **Mandatory Discretionary Review** per Section 317 of the Planning Code of Building Permit Application No. 2008.0926.2740, proposing to construct a four-story, two-unit residential building on a property located within an RH-3 (Residential, House, Three-Family) District and a 40-X Height/Bulk District.
Preliminary Recommendation: Pending
(Proposed for Continuance to October 22, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

2. 2009.0358C (E. OROPEZA: (415) 558-6381)
854 FOLSOM STREET - west side between 4th and 5th Streets, Lot 020A in Assessor's Block 3733 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303, 815.34A and 890.60, to allow a Massage Establishment in conjunction with a personal service use dba, "The Barber Lounge," all within the Residential/Service Mixed Use District (RSD), the Western SOMA Special Use District, and a 40-X / 85-B Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

3. Consideration of Adoption:

- Draft Minutes of Regular Meeting of September 24, 2009.
- Draft Minutes of Regular Meeting of October 2, 2008.

4. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

5. Director's Announcements

6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

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F. REGULAR CALENDAR

7. 2009.0639C (A. STARR: (415) 558-6362)
1969 CALIFORNIA STREET - south side between Octavia and Gough Streets, Lot 016, in Assessor's Block 0649 - **Request for Conditional Use Authorization** under Planning Code Sections 209.9(e) and 303, to allow an art gallery and associated offices in a designated City Landmark, Landmark # 260, the Tobin House, in an RH-2 (Residential, House, Two-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions
(Continued from Regular Meeting of October 1, 2009)
8. 2009.0747C: (A. STARR: (415) 558-6362)
2233 UNION STREET - south side between Steiner and Fillmore Streets, Lot 032, in Assessor's Block 0539 - **Request for Conditional Use Authorization** under Planning Code Sections 303, 317 and 725.53 to allow a Business/Professional Service use on the third floor of the subject building where a dwelling unit currently exists in the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with conditions
(Continued from Regular Meeting of October 1, 2009)
9. 2008.0787I (T. SULLIVAN: (415) 558-6257)
AMENDMENTS RELATING TO PLANNING CODE SECTION 209.1(M) TO AMEND THE REQUIREMENTS FOR DOUBLE DENSITY HOUSING [BOARD FILE NO. 09-0906] - Ordinance introduced by Supervisor Chiu amending Planning Code Section by adding Section 102.6.1 to create a definition related to housing for seniors;

amending 209.1(m) related to the uses permitted in Residential Districts to update the requirements for obtaining double density for providing senior housing and, adding Section 209.1(o) to require, in certain circumstances, a conditional use authorization; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Preliminary Recommendation: Approval

(Continued from Regular Meeting of October 1, 2009)

10. 2008.0784T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS RELATING TO PLANNING CODE SECTION 227(V) TO AMEND THE DEFINITION OF A TOBACCO PARAPHERNALIA ESTABLISHMENT AND TO AMEND SECTION 723 – POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT TO PROHIBIT TOBACCO PARAPHERNALIA ESTABLISHMENTS [BOARD FILE NO. 09-0962] - Ordinance introduced by Supervisor Chiu amending Planning Code Section 227(v) to lower the threshold for retail stores to be considered tobacco paraphernalia establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending 723.1 and the Table at Section 723 to make tobacco paraphernalia establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1 to change the period of non-use for a non-conforming tobacco paraphernalia establishment to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
- 11a. 2009.0684D (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Demolition Permit Application No. 2008.12.01.7545 to demolish an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Do not take DR and approve the demolition.
(Continued from Regular Meeting of September 24, 2009)
- 11b. 2008.1379DDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Building Permit Application No. 2008.12.01.7550 to construct a two family dwelling as the replacement structure to the proposed demolition of an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. Four separate **Public Initiated Discretionary Review requests** regarding the replacement structure have also been filed and will be considered at this hearing.
Preliminary Recommendation: Take Discretionary Review and approve the new construction with modifications.
(Continued from Regular Meeting of September 24, 2009)
- 11c. 2008.1379DDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Request for Front Setback and Rear Yard Variances** pursuant to Planning Code Section 132 and 134 for the construction of a new two family

dwelling as the replacement structure to the proposed demolition of an existing single family dwelling within an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. These Variance requests will be heard and considered by the Zoning Administrator.

(Continued from Regular Meeting of September 24, 2009)

G. PUBLIC COMMENT

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Adjournment:

**ADDENDUM
SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar**

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, October 8, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

OCT - 6 2009

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PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin
Moore; Hisashi Sugaya

Commission Secretary: Linda D. Avery

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And

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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

D. DIRECTOR'S REPORT

6a.

(C. Nikitas: (415) 558-6306)

Bird-Friendly Building Standards - Informational Presentation by Christine Sheppard, PhD, Bird Collisions Campaign Manager of the American Bird Conservancy, Washington, DC. The discussion is the beginning of the formulation of local building standards to minimize impacts with flying animals, and could lead to adoption of a Planning Commission policy at a future hearing.
Preliminary Recommendation: Informational -- No action to be taken

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, October 15, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

OCT 09 2009

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

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Commission Secretary: Linda D. Avery

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Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

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These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.0322C (T. FRYE: (415) 575-6822)
617 SANSOME STREET - between Jackson and Washington Streets, Assessor's Block 0196; Lot 00 2 - **Request for Conditional Use Authorization** pursuant to Sections 249.25 and 303 of the Planning Code to change the legal use of the property from retail use to office use. The subject property is within a C-2 (Community Business) District with a 65-A Height and Bulk District, the Jackson Square Special Use District, and within the Jackson Square Historic District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of September 17, 2009)
(Proposed for Continuance to November 12, 2009)
- 2a. 2006.0431CEKV (J. MILLER: (415) 558-6344)
1080 SUTTER STREET - north side between Hyde and Larkin Streets - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 157 for off-street parking in excess of accessory amounts (up to 39 spaces when the Code would permit 14) and Section 253 for height above 40 feet in a Residential District, to permit a new 11-story residential building with approximately 36 dwelling units, Lot 011 in Assessor's Block 0279, in a an RC-4 (Residential-Commercial Combined, High Density) District and a 130-E Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to December 3, 2009)
- 2b. 2006.0431CEKV (J. MILLER: (415) 558-6344)
1080 SUTTER STREET - north side between Hyde and Larkin Streets - **Request for granting of Variances** of Planning Code standards for rear-yard area (Section 134), projections over streets and alleys (Section 136) and dwelling-unit exposure (Section 140) to permit a new 11-story residential building with approximately 35 dwelling units, Lot 011 in Assessor's Block 0279, in a an RC-4 (Residential-Commercial Combined, High Density) District and a 130-E Height and Bulk District.
(Proposed for Continuance to December 3, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2009.0866C (B. FU: (415) 558-6613)
2559-2567 SAN BRUNO AVENUE - east side of San Bruno Avenue between Burrows and Felton Streets; Lot 045 in Assessor's Block 5438 - **Request for Conditional Use Authorization** under Planning Code Sections 161(j) and 303 to allow reduction in the off-street parking requirement for dwelling units for the conversion of existing off-street parking spaces to a new meeting room for the existing community service use, dba "Portola and Excelsior Family Connections," in a NC-2 (Small-Scale Neighborhood Commercial) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Approval with Conditions
4. 2009.0804C (E. WATTY: (415) 558-6620)
3505 B – 17TH STREET - southwest corner of Guerrero Street; Lot 001 in Assessor's Block 3578 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 710.44 and 790.91, to allow a small self-service restaurant (dba Clare's Deli) within the NC-1 (Neighborhood Commercial, Cluster) District 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

5. Consideration of Adoption:
- Draft Minutes of Regular Meeting of September 24, 2009.
 - Draft Minutes of Regular Meeting of October 1, 2009
6. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

7. Director's Announcements
8. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
9. (B. FU: (415) 558-6813)
333 FREMONT STREET - **Informational Presentation** on the status of Conditional Use authorization for an 88-unit project approved under Motion No. 17044 on June 16, 2005. The project sponsor has requested, through a letter of determination, that the Zoning Administrator extend the approval period. The Project proposes no modifications to the approved project.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

10. 2008.1157C (E. JACKSON: (415) 558-6363)
10 BERNAL HEIGHTS BOULEVARD - west side of Bernal Heights Park, Lot 003 in Assessor's Block 5548 - **Request for Conditional Use Authorization** under Planning Code Sections 209.6(b) and 303 to allow new WTS antennas on an existing communications tower at the top of the hill in Bernal Heights Park. The CU will also modify the original Conditional Use approval under Case No. CU60.13 (Resolution 5313) to establish the existing tower configuration, and antennas on the site. The project site is within the RH-1(D) (Residential, House, Single-Family, Detached) Zoning District, and a 40-X Height and Bulk District. The site is a Location Preference Number 1, as it is a preferred location for a publicly used structure.
Preliminary Recommendation: Approval with Conditions.
11. 2009.0584DD (C. JAROSLAWSKY (415) 558-6348)
3900 22ND STREET - west side between Collingwood and Castro Streets; Lot 011 in Assessor's Block 2770 - **Request for Discretionary Review** of Building Permit Application No. 2009.07.14.2590, to convert a three-family structure into a two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
- 12a. 2009.0107D (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street; Lot 036 in Assessor's Block 4218 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Demolition Permit Application No. 2008.04.03.8737 to demolish an existing single family dwelling within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Do not take Discretionary Review and approve demolition.
(Continued from Regular Meeting of August 13, 2009)
- 12b. 2008.00505 DDDV (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street; Lot 036 in Assessor's Block 4218 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Building Permit Application No. 2008.04.03.8738 to construct a three family dwelling as a replacement structure to the proposed demolition of a single family dwelling within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation. Two separate **Public Initiated Discretionary Review** requests regarding the replacement structure have also been filed and will be considered at this hearing.
Preliminary Recommendation: Do not take Discretionary Review and approve replacement structure
(Continued from Regular Meeting of August 13, 2009)

- 12c. 2008.0505DDDV (D. SÁNCHEZ: (415) 575-9082)
1321 DEHARO STREET - east side of DeHaro Street between 24th Street and 25th Street, Lot 036 in Assessor's Block 4218 - **Request for Rear Yard Variance**, pursuant to Planning Code Section 134, to allow a rear yard of 15 feet where a rear yard of 28 feet is required within an RH-3 (Residential, House, Three Family) District with a 40-X Height and Bulk Designation. The variance request will be heard and considered by the Zoning Administrator.
(Continued from Regular Meeting of August 13, 2009)

4:00 P.M

13. 2008.1409I (E. WATTY: (415) 558-6620)
CALIFORNIA PACIFIC MEDICAL CENTER (CPMC) INSTITUTIONAL MASTER PLAN (IMP) - **Public Hearing on California Pacific Medical Center's Institutional Master Plan (IMP), pursuant to Planning Code Section 304.5.** The IMP contains information on the nature and history of the institution, the location and use of affiliated buildings, and future development plans. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").
Recommendation: No action required. This is an informational item only.

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Special Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, October 22, 2009

10:00 AM

Special Meeting

GOVERNMENT
DOCUMENTS DEPT

OCT 19 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
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1650 MISSION STREET, 4TH FLOOR RECEPTION

A. SPECIAL CALENDAR

(D. SIDER: (415) 558-6697)

MID-MARKET ARTS REVITALIZATION AND TOURISM SPECIAL (ARTS) SIGN
DISTRICT - PROPOSITION D - Informational Presentation on the Planning
Department's analysis of Proposition D. This analysis was prepared in July at the
request of the Elections Department.
There will be no action on this item.

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

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Commission Chambers - Room 400
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Thursday, October 22, 2009
1:30 PM
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1. 2009.0262T (A. RODGERS: (415) 558-6395)
ZONING - PROVIDING FOR A FIVE FOOT SPECIAL HEIGHT EXCEPTION FOR ACTIVE GROUND FLOOR USES IN NC-1 DESIGNATED PARCELS ALONG RANDOLPH AND BROAD STREETS, FROM 19TH AVENUE TO SAN JOSE AVENUE. [BOARD FILE NO. 09-0319]. Ordinance introduced by Supervisor Avalos amending San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1. The Planning Commission will also consider the Supervisor's request to extend this legislation to provide the same five feet special height exception for all NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.
Preliminary Recommendation: Approval
(Proposed for Continuance to November 5, 2009)
2. 2008.0197CEX (A. CONTRERAS: (415) 575-9044)
942 MISSION STREET - north side of Mission Street, between Fifth and Sixth Streets, Lot 15 in Assessor's Block 3704 - **Appeal of Preliminary Mitigated Negative Declaration** for a project proposing the demolition of an existing two-story-over-basement office and commercial building, and construction of a 152-foot-tall, 15-story building containing approximately 3,240 square feet of ground-floor retail space, 4,025 square feet of ground floor circulation and building service space, and about 72,000 square feet of hotel space including 172 hotel rooms, with pedestrian access from Mission and Jessie Streets. No off-street parking or loading is proposed. The project is located in a C-3-G (Downtown General Commercial) Use District and a 160-F Height and Bulk District.
Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
(Continued from Regular Meeting of September 10, 2009)
(Proposed for Continuance to November 19, 2009)
- 3a. 2008.0197CEX (J. MILLER: (415) 558-6344)
942 MISSION STREET - north side between Mint and Sixth Streets, a through-lot to Jessie Street - **Review under Planning Code Section 309** of new construction of a 15-story HOTEL, approximately 79,000 gross square feet, with approximately 172 rooms, approximately 3,240 square feet of ground-floor retail space and approximately 152 feet in height, Lot 015 in Assessor's Block 3704, in a C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.

(Continued from Regular Meeting of September 10, 2009)
(Proposed for Continuance to November 19, 2009)

- 3b. 2008.0197CEX (J. MILLER: (415) 558-6344)
942 MISSION STREET - north side between Mint and Sixth Streets, a through-lot to Jessie Street - **Request for Conditional Use Authorization** pursuant to Planning Code Section 216(b)(i) for a new HOTEL with approximately 172 rooms, Lot 015 in Assessor's Block 3704, in a C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.
(Continued from Regular Meeting of September 10, 2009)
(Proposed for Continuance to November 19, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

4. 2009.0696C (T. WANG: (415) 558-6335)
3690, 3692 18TH STREET - on the north side of 18th Street between Dolores and Guerrero Streets; Lot 027 in Assessor's Block 3578 - **Request for Conditional Use Authorization**, pursuant to Sections 303, 710.69A and 790.93 of the Planning Code, to allow a Self-Service Specialty Food Establishment (Bi-Rite Creamery at 3692 18th Street) with an expansion into the adjacent vacant storefront at 3690 18th Street within the NC-1 (Neighborhood Commercial Cluster) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

C. GENERAL PUBLIC COMMENT - 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

D. REGULAR CALENDAR

5. (B. WYCKO: (415) 575-9048)
BAYVIEW HUNTERS POINT TRANSPORTATION PLANNING - **Informational Presentation on Transportation Planning** for the Hunters Point and Bayview areas of the City: Proposed transit service enhancements and traffic circulation improvements.
Preliminary recommendation: informational; no action required
6. 2009.0720C (M. WOODS: (415) 558-6315)
1998 UNION STREET - northeast corner of Buchanan and Union Streets; Lot 014 in Assessor's Block 0531 -- **Request for Conditional Use Authorization** to allow a new "Self-Service Specialty Food" use (dba "Cultivé Frozen Yogurt") pursuant to Sections 303(c) and 725.69A of the Planning Code, in the Union Street Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to convert an approximately 1,300 square-foot vacant retail space (formerly "Jamba Juice") to a frozen yogurt shop.
Preliminary Recommendation: Approval with Conditions

7. 2009.0561C (E. WATTY: (415) 558-6620)
3800 NORIEGA STREET - at the northwest corner of 45th Avenue; Lot 022 in Assessor's Block 2004 - **Request for a Conditional Use Authorization**, pursuant to Planning Code Sections 303, 710.54, and 790.60, to allow a massage use (DBA Dong Yang Health Center) to operate within the NC-1 (Neighborhood Commercial, Cluster) District and 40-X Height and Bulk District.
Preliminary Recommendation: Disapproval
8. 2005.1076C (P. LAVALLEY: (415) 575-9084)
3135 24TH STREET - south side of 24th Street between Shotwell and Folsom Streets, Lot 036 in Assessor's Block 6520 - **Request for Conditional Use Authorization** under Planning Code Sections 121.1, 134(a), 135, 140, 151.1, 175.6(e)(1), and 303 to construct a two-story vertical addition on an existing two-story former auto repair building resulting in a 4-story, 40-foot tall mixed-use development on a large lot. The project proposes up to 9 residential units, 1,675 square feet of ground floor commercial space, and up to 7 off street parking spaces. Pursuant to Planning Code Section 175.6(e)(1), the project is seeking approval as an Eastern Neighborhoods pipeline project, and the project is seeking relief from the requirements for rear yard, open space, and dwelling unit exposure. The property is within the 24th-Mission Neighborhood Commercial Transit (24th-Mission NCT) Zoning District and a 45-X Height and Bulk District.
Preliminary recommendation: Approvals with conditions
9. 2008.0784T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS RELATING TO PLANNING CODE SECTION 227(V) TO AMEND THE DEFINITION OF A TOBACCO PARAPHERNALIA ESTABLISHMENT AND TO AMEND SECTION 723 – POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT TO PROHIBIT TOBACCO PARAPHERNALIA ESTABLISHMENTS [BOARD FILE NO. 09-0962] - Ordinance introduced by Supervisor Chiu amending Planning Code Section 227(v) to lower the threshold for retail stores to be considered tobacco paraphernalia establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending 723.1 and the Table at Section 723 to make tobacco paraphernalia establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1 to change the period of non-use for a non-conforming tobacco paraphernalia establishment to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
(Continued from Regular Meeting of October 8, 2009)
10. 2009.0707MZ (K. DISCHINGER: (415) 558-6284)
MARKET & OCTAVIA PLAN-LEVEL HISTORIC SURVEY INTEGRATION - Adopt Amendments to the Market and Octavia Area Plan of the General Plan and Zoning Map to integrate Market and Octavia Area Plan Level Historic Survey prepared by Page and Turnbull (Historic Survey) and make clarifications and technical amendments. Earlier this year the Planning Commission endorsed the Historic Survey with some modifications. Following this endorsement staff, in coordination with the community, developed recommendations, both General Plan and Zoning Map amendments, for, among other things, (1) the integration of these findings into the Market and Octavia Plan as required by the Planning Commission and Board of Supervisors at Plan approval, and (2) proposed height changes for parcels within the proposed Upper Market Historic District. Full documentation of the proposals can be found at: http://www.sfgov.org/site/planning_index.asp?id=25188.

- a) 2009.0707MZ (K. DISCHINGER: (415) 558-6284)
ADOPTION OF A GENERAL PLAN AMENDMENT - Consideration of a resolution to adopt an amendment to the General Plan, including amending language and maps in the Market & Octavia Area Plan. The amendment would incorporate the changes needed to integrate the endorsed Market & Octavia Area Plan Level Historic Survey into the adopted Market & Octavia Area Plan. Area Plan Map and Policy changes are recommended to occur under Objective 3.2 of the Area Plan. These policy changes would remove language calling for the completion of an area plan level survey and would add district descriptions for identified and listed historic districts. It would also replace the existing Map 4 in the Market & Octavia Area Plan with 2 new maps, which outline the identified historic districts, identified individual historic resources, and parcels eligible for future survey (and thus subject to continued interim controls). Preliminary Recommendation: Approve the resolution amending the General Plan.
- b) 2009.0707MZ (K. DISCHINGER: (415) 558-6284)
ADOPTION OF A ZONING MAP AMENDMENT - Consideration of a resolution to adopt an amendment to the Zoning Map. The amendment consists of revisions to Height and Bulk Map HT07 of the Zoning Map of the City and County of San Francisco. This amendment would: 1) permit the height of parcels currently zoned 50/55 feet along Market between Church and Noe to be raised no higher than 60/65 feet and lowered to no less than 50/55 feet, 2) permit the height of parcels currently zoned 80/85 feet around the Church and Market intersection to be lowered to no less than 50/55 feet, and 3) lower the height of two parcels on the northwest corner of Guerrero Street and Duboce Avenue (Assessor Lot #'s 3501003 and 3501004) to 60/65 feet. Preliminary Recommendation: Approve the resolution amending the Zoning Map.

11. (A. VARAT: (415) 558-6405)
BETTER STREETS PLAN - The Better Streets Plan creates a unified set of standards, guidelines, and implementation strategies to improve how the City designs, builds, and maintains its pedestrian environment for all users. The Better Streets Plan Draft for Public Review was released in June 2008. This is an informational hearing to discuss revisions to the draft plan, next steps, and strategies for delivering Better Streets improvements.
Preliminary recommendation: informational; no action requested

6:00 P.M. *Although the following items may be heard after 6:00 p.m., they will not be heard before.*

- 12a. 2008.0719D (S. CALTAGIRONE: (415) 558-6381)
2626 LARKIN STREET - east side between Chestnut and Lombard Streets; Lot 011 in Assessor's Block 0069 - **Mandatory Discretionary Review** per Section 317 of the Planning Code of Building Permit Application No. 2008.0926.2736, proposing to demolish a three-story, two-unit residential building on a property located within an RH-3 (Residential, House, Three-Family) District and a 40-X Height/Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve (Continued from Regular Meeting of October 8, 2009)
- 12b. 2009.0907D (S. CALTAGIRONE: (415) 558-6381)
2626 LARKIN STREET - east side between Chestnut and Lombard Streets; Lot 011 in Assessor's Block 0069 - **Mandatory Discretionary Review** per Section 317 of the Planning Code of Building Permit Application No. 2008.0926.2740, proposing to construct

a four-story, two-unit residential building on a property located within an RH-3 (Residential, House, Three-Family) District and a 40-X Height/Bulk District.

Preliminary Recommendation: Take Discretionary Review and Approve with Modifications

(Continued from Regular Meeting of October 8, 2009)

13. 2008.1106D (G. CABREROS: (415) 558-6169)
2626 FILBERT STREET - north side between Broderick and Divisadero Streets, Lot 003B in Assessor's Block 0943 - **Request for Discretionary Review** of Demolition Permit Application No. 2007.12.24.1235 and Building Permit Application No. 2007.12.24.1234 proposing demolition of a four-story, single-family residence and new construction of a three-story, single-family residence in an RH-1 (Residential, House, One-Family) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve both applications
- 14a. 2008.1349D (G. CABREROS: (415) 558-6169)
2919 LAGUNA STREET - west side between Union and Filbert Streets; Lot 004 in Assessor's Block 0531 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of residential demolition, of Demolition Permit Application No. 2008.12.08.8008, proposing to demolish a single-family residence in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve
- 14b. 2008.0935DD (G. CABREROS: (415) 558-6169)
2919 LAGUNA STREET - west side between Union and Filbert Streets; Lot 004 in Assessor's Block 0531 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of new residential building in association with residential demolition, and **one private request for Discretionary Review** of Building Permit Application No. 2008.12.08.8013, proposing to construct a four-story, two-unit building in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve
15. 2009.0843D (S. YOUNG: (415) 558-6348)
823 DIVISADERO STREET - west side between McAllister and Fulton Streets; Assessor's Block 1179; Lot 027 - **Request for Discretionary Review** of Building Permit Application No. 2009.04.16.6402, proposing the change of use of a vacant ground floor commercial space (previously a dry cleaning and laundry service establishment dba Family Cleaners) to a preschool (dba Our Victorian Schoolhouse), which will provide daycare educational services for up to 42 children in the NC-2 (Small-Scale Neighborhood Commercial) District, the Divisadero Street Alcohol Restricted Use District, and a 65-A Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project
16. 2009.0856D (E. OROPEZA: (415) 558-6381)
317 CONNECTICUT STREET - southeast corner of 18th and Connecticut Streets; Lot 027 in Assessor's Block 4036-**Request for Discretionary Review** of Building Permit Application No. 2009.0625.1244, proposing to change the use from existing retail sales and services use (dba Delirious Shoes and More) as defined per Planning Code Section 790.102 to a small self service restaurant use as defined per Planning Code Section 790.91, all within the NC-2 (Small-Scale Neighborhood Commercial) District, and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve as proposed.

E. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

17. Consideration of Adoption:

- Draft Minutes of Regular Meeting of November 6, 2008.
- Draft Minutes of Regular Meeting of October 8, 2009.

18. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

F. DIRECTOR'S REPORT**19. Director's Announcements****20. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.****G. PUBLIC COMMENT**

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION Regular Meeting *Thursday, October 29, 2009*

NOTICE IS HEREBY GIVEN that the Regular Meeting of the San Francisco Planning Commission for *Thursday, October 29, 2009*, has been cancelled. The next Regular Meeting of the Planning Commission will be held on, *Thursday, November 5, 2009*.

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER

PRESIDENT	RON MIGUEL
VICE-PRESIDENT	CHRISTINA OLAGUE
COMMISSIONER	MICHAEL J. ANTONINI
COMMISSIONER	GWYNETH BORDEN
COMMISSIONER	WILLIAM L. LEE
COMMISSIONER	KATHRIN MOORE
COMMISSIONER	HISASHI SUGAYA

DIRECTOR OF PLANNING
COMMISSION SECRETARY

JOHN RAHAIM
LINDA D. AVERY

10-23-09A11:17 RCVD

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OCT 23 2009

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****** NOTICE OF FUTURE AGENDA ITEMS ******

Bayview Waterfront Project (Candlestick/Hunters Point) Informational Presentation –	November 5, 2009
Transit Center District Plan – Public Release of Draft Plan	November 12, 2009
Joint Hearing w/Recreation & Park Commission – 10:30 a.m.	November 19, 2009
California Pacific Medical Center (CPMC) – IMP – 1:30 p.m.	November 19, 2009

NOTE: Hearing dates listed above may be tentative. This notice is not final public notification, but is intended to inform interested parties about up-coming items.

ALWAYS VERIFY THAT ANY ITEM OF INTEREST IS SCHEDULED FOR A
HEARING ON THE FINAL PUBLISHED CALENDAR FOR THAT DATE.

SAN FRANCISCO PLANNING COMMISSION

Notice of Special Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, November 5, 2009

10:30 AM
Special Meeting

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OCT 30 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp
Or

View the broadcast live, *Thursdays on Cable Channel 78.*

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

A. SPECIAL CALENDAR

(M. SNYDER: (415) 575-6891)

HUNTERS POINT SHIPYARD PHASE 2 / CANDLESTICK POINT PROJECT - **Informational update on the integrated development of Candlestick Point and Parcels B-G of the Hunters Point Shipyard.** An update briefing for the Commission on the phased mixed-use development proposal for about 700 acres along San Francisco's southeast waterfront, including approximately 10,500 housing units, over 300 acres of new and restored open space and recreation areas, about 2.5 million square-feet of R&D office space, regional and neighborhood retail, rebuilding of the Alice Griffith Public Housing Development, a 220-room hotel, new and renovated Shipyard artist space, a 10,000 seat performance venue on Candlestick Point, a 300-slip marina, various supportive infrastructure and space for a 69,000 seat professional football stadium.
Preliminary Recommendation: Informational item only, no action required.

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting & Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, November 5, 2009
1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

OCT 30 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.0841T (C. NIKITAS: (415) 558-6306)
PLANNING CODE AMENDMENT - DEMOLITION AND REPLACEMENT OF SOUND HOUSING. [BOARD FILE NO. 09-1038] - Ordinance amending the Planning Code by amending Section 317 to require the Planning Commission make certain findings when approving demolition of Residential Buildings that require Mandatory Discretionary Review and to require replacement of sound housing with units of like affordability; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
Preliminary Recommendation: Pending
(Proposed for Continuance to November 12, 2009)
2. 2008.0395E (I. NISHIMURA: (415) 575-9041)
2130 FULTON STREET - University of San Francisco Center for Science and Innovation - north side, between Golden Gate, Masonic, and Parker Avenues; Lot 003 in Assessor's Block 114 - **Public Hearing on an Appeal of the Preliminary Mitigated Negative Declaration.** The approximately 80,000-square-foot project site is on the Main Campus of the University of San Francisco, in the existing Harney Green and Harney Plaza area. The proposed project includes removal of Harney Green and Plaza; site excavation; and construction of a three-story with a partial fourth floor, 53-foot high building with a partial basement, which would connect on all floors to the south end of the existing Harney Science Building, and a below-grade, two-level structure, which is also a component of the proposed project. The roof of this building would serve as a new plaza and pedestrian area. Together, the new structures would have approximately 60,000 square feet of classrooms, laboratories, instrumentation rooms, and building mechanical/support spaces. The project site is within an RH-2 (Residential, House, Two-Family) District and an 80-D Height and Bulk District. The proposed project would require Conditional Use Authorization for a post-secondary institutional use in an RH-2 District, and for exceeding a building height of 40 feet in an R District.
Preliminary Recommendation: Uphold Mitigated Negative Declaration
(Continued from Regular Meeting of September 17, 2009)
(Proposed for Continuance to December 3, 2009)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2009.0341C (A. PUTRA: (415) 575-9079)
4207 JUDAH STREET (4201-4211 JUDAH STREET) - southeast corner of Judah Street and 47th Avenue; Lot 037 in Assessor's Block 1806 - **Request for Conditional Use Authorization**, pursuant to Planning Code Sections 185(e), and 303 to modify a previous Conditional Use Authorization (Motion No. 14637, Case No. 98.186C) to continue to allow hours of operation until 2:00 AM for a nonconforming bar (d.b.a. "Pittsburgh's Pub") in an RM-1 (Residential, Mixed, Low Density) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
- 4a. 2008.277D (M. SMITH: (415) 558-6322)
168 CLIPPER STREET - north side between Church and Sanchez Streets; Lot 021 in Assessor's Block 6549 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317 requiring review of residential demolition, of Demolition Permit Application No. 2007.12.20.1029, proposing to demolish a one-story over basement, single-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition permit.
- 4b. 2008.0278D (M. SMITH: (415) 558-6322)
168 CLIPPER STREET - north side between Church and Sanchez Streets; Lot 021 in Assessor's Block 6549 - **Mandatory Discretionary Review**, pursuant to Planning Code Section 317 requiring review of the replacement building in association with residential demolition, of Building Permit Application No. 2007.12.20.1032, to construct a three-story over garage, two-family dwelling in an RH-2 (Residential, House, Two -Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the new building permit.

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

5. Consideration of Adoption:
- Draft Minutes of Regular Meeting of November 20, 2008.
 - Draft Minutes of Regular Meeting of October 15, 2009.
 - Draft Minutes of Special Meeting of October 22, 2009.
6. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT**7. Director's Announcements**

Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. REGULAR CALENDAR

8. 2009.0262T (A. RODGERS: (415) 558-6395)
ZONING - PROVIDING FOR A FIVE FEET SPECIAL HEIGHT EXCEPTION FOR ACTIVE GROUND FLOOR USES IN NC-1 DESIGNATED PARCELS ALONG RANDOLPH AND BROAD STREETS, FROM 19TH AVENUE TO SAN JOSE AVENUE. [BOARD FILE NO. 09-0319] - Ordinance introduced by Supervisor Avalos amending San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1. The Planning Commission will also consider the Supervisor's request to extend this legislation to provide the same five feet special height exception for all NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.
Preliminary Recommendation: Approval
(Continued from Regular Meeting of October 22, 2009)
9. 2005.0162E (S. SMITH: (415) 558-6373)
NEW IRVINGTON TUNNEL PROJECT - Certification of the Final Environmental Impact Report - The San Francisco Public Utilities Commission (SFPUC) is proposing the New Irvington Tunnel Project (also known as "NIT"). The project would be approximately 3.5 miles long, extending west from a new Alameda West Portal in the Sunol Valley to a new Irvington Portal in the City of Fremont. The new tunnel would be located approximately parallel to the existing tunnel, with an internal diameter between 8.5 and 10.5 feet. The depth of the tunnel would range from 30 to 700 feet below ground surface. Construction would occur at four work areas: Alameda West Portal (in Sunol Valley), Sheridan Valley (along Sheridan Road), Vargas (along Vargas Road near Interstate 880), and the Irvington Portal (along Mission Boulevard in the City of Fremont). Preliminary Recommendation: Certify the Environmental Impact Report.
Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on July 16, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.

10. 2009.0847B (C. TEAGUE: (415) 575-9081)
660-680 ALABAMA STREET - west side between 18th and 19th Street, Lot 002 in Assessor's Block 4020 - **Request for Office Development Authorization** pursuant to Planning Code Section 321 to establish the existing four story, 39,691 square feet building as legal office use in a UMU (Urban Mixed Use) District and a 68-X Height and Bulk District. The reclassification of use includes no interior or exterior alterations or additions to the existing building, and the Zoning Administrator issued a Letter of Legitimation on September 8, 2009, verifying the building as legitimate office space per Planning Code Section 179.1.
Preliminary Recommendation: Approval with Conditions
- 11a. 2008.0719D (S. CALTAGIRONE: (415) 558-6381)
2626 LARKIN STREET - east side between Chestnut and Lombard Streets; Lot 011 in Assessor's Block 0069 - **Mandatory Discretionary Review** per Section 317 of the Planning Code of Building Permit Application No. 2008.0926.2736, proposing to demolish a three-story, two-unit residential building on a property located within an RH-3 (Residential, House, Three-Family) District and a 40-X Height/Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve
(Continued from Regular Meeting of October 22, 2009)
NOTE: On October 22, 2009, following public testimony, the Commission entertained a motion to take Discretionary Review and disapprove, the motion failed. The Commission continued the item to 11/5/09 by a vote of +6 -0. Commissioner Sugaya was recused. The public hearing remains open.
- 11b. 2009.0907D (S. CALTAGIRONE: (415) 558-6381)
2626 LARKIN STREET - east side between Chestnut and Lombard Streets; Lot 011 in Assessor's Block 0069 - **Mandatory Discretionary Review** per Section 317 of the Planning Code of Building Permit Application No. 2008.0926.2740, proposing to construct a four-story, two-unit residential building on a property located within an RH-3 (Residential, House, Three-Family) District and a 40-X Height/Bulk District.
Preliminary Recommendation: Take Discretionary Review and Approve with Modifications
(Continued from Regular Meeting of October 22, 2009)
NOTE: On October 22, 2009, following public testimony, the Commission entertained a motion to take Discretionary Review and disapprove, the motion failed. The Commission continued the item to 11/5/09 by a vote of +6 -0. Commissioner Sugaya was recused. The public hearing remains open.
12. 2009.0667D (S. LAI: (415) 575-9087)
1826 32ND AVENUE - east side between Ortega Avenue and Noriega Avenue; Lot 043 in Assessor's Block 2068 - **Staff Initiated Discretionary Review** of Building Permit Application No. 2008.07.11.6477 proposing to construct a two-story horizontal rear addition to an existing single-family dwelling. The property is located in an RH-1 (Residential, House, One-Family) Zoning District and 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve with modifications.

4:00 P.M.

13. 2009.0761C (A. STARR: (415) 558-6382)
2460 LOMBARD STREET (AKA 2444 LOMBARD) - north side between Divisadero and Scott Streets, Lot 014, in Assessor's Block 0936 - **Request for Conditional Use Authorization** under Planning Code Sections 303 and 703.3, to allow a formula retail

use (dba Pet Food Express) in an NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and a 40-X Height and Bulk District.
Preliminary Recommendation: Disapproval

14. 2009.0584DD (C. JAROSLAWSKY (415) 558-6348)
3900 22ND STREET - west side between Collingwood and Castro Streets; Lot 011 in Assessor's Block 2770 - **Request for Discretionary Review** of Building Permit Application No. 2009.07.14.2590, to convert a three-family structure into a two-family dwelling in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
NOTE: On October 15, 2009, following public testimony, the Commission continued the matter to November 5, 2009. Public hearing remains open.

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

**SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar**

**Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, November 12, 2009
1:30 PM
Regular Meeting**

GOVERNMENT
DOCUMENTS DEPT

NOV 06 2009

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

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PUBLIC LIBRARY

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp
Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 76

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-8142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvrs/sunshine.

COMMUNICATIONS

Note. Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0185C (S. LAI: (415) 575-9087)
1102 TARAVAL STREET (A.K.A. 2397 21ST AVENUE) - northwest corner of Taraval Street and 21st Avenue, Lot 017 in Assessor's Block 2350 - **Request for Conditional Use Authorization** under Planning Code 711.42, 711.69A and 303, to establish a full-service restaurant and self-service specialty food store (DBA "Flanagan"), within the Taraval Street NC-2, RUSD (Restaurant and fast-food sub-district), and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to December 3, 2009)
2. 2009.0322C (T. FRYE: (415) 575-6822)
617 SANSOME STREET - between Jackson and Washington Streets, Assessor's Block 0196; Lot 00 2 and 303 of the Planning Code to change the legal use of the property from retail use to office use. The subject property is within a C-2 (Community Business) District with a 65-A Height and Bulk District, the Jackson Square Special Use District, and within the Jackson Square Historic District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of October 5, 2009)
(Proposed for Indefinite Continuance)
- 3a. 2009.0684D (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Demolition Permit Application No. 2008.12.01.7545 to demolish an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Do not take DR and approve the demolition.
(Continued from Regular Meeting of October 8, 2009)
(THE PROJECT APPLICATION HAS BEEN WITHDRAWN)
- 3b. 2008.1379DDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Building Permit Application No. 2008.12.01.7550 to construct a two family dwelling as the replacement structure to the proposed demolition of an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. Four separate **Public Initiated Discretionary Review requests** regarding the replacement structure have also been filed and will be considered at this hearing.

Preliminary Recommendation: Take Discretionary Review and approve the new construction with modifications.

(Continued from Regular Meeting of October 8, 2009)

(THE PROJECT APPLICATION HAS BEEN WITHDRAWN)

- 3c. 2008.1379DDDDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Request for Front Setback and Rear Yard Variances** pursuant to Planning Code Section 132 and 134 for the construction of a new two family dwelling as the replacement structure to the proposed demolition of an existing single family dwelling within an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. These Variance requests will be heard and considered by the Zoning Administrator.

(Continued from Regular Meeting of October 8, 2009)

(THE PROJECT APPLICATION HAS BEEN WITHDRAWN)

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:

- Draft Minutes of Regular Meeting of November 13, 2008.
- Draft Minutes of Regular Meeting of October 22, 2009.

5. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

6. Director's Announcements

7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

8. (S. SANCHEZ: (415) 558-6326)

ACADEMY OF ART UNIVERSITY ENFORCEMENT PROGRAM UPDATE – **Informational presentation and discussion** on the status of pending enforcement cases and preparation of Institutional Master Plan (IMP), traffic and environmental review documents by the Academy of Art University.

Preliminary Recommendation: Informational/discussion only. No Action.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With

respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

9. 2005.0540E (I. NISHIMURA: (415) 575-9041)
1415 MISSION STREET – MIXED-USE DEVELOPMENT - on the southwest corner of Mission Street and Tenth Street; Lot 001 in Assessor's Block 3510 - **Certification of the Final Environmental Impact Report**. The proposed project would involve the demolition of a one-story, 18-foot tall, approximately 5,000-square-foot commercial building and a paved, surface parking area, and construction of a new 130-foot high, 14-story, mixed-use residential-commercial building with approximately 2,742 square feet of ground floor commercial space, up to 117 dwelling units, and a three-level subterranean garage with up to 46 independently-accessible residential parking spaces or up to 101 valet-service, residential parking spaces. The project site is within a C-M (Heavy Commercial) District and a 130-L Height and Bulk District. The proposed project requires zoning reclassification to a C-3-G (Downtown, General Commercial) District; Planning Code 309 exceptions: Conditional Use Authorization; Variances; and Transfer of Development Rights (TDR).
Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on April 13, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.
Preliminary Recommendation: Certify the Final Environmental Impact Report.
- 10a. 2005.0540E!KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Consideration of Adoption of CEQA Findings** regarding the proposed construction a new 14-story, 130-foot high mixed-use building consisting of up to 117 dwelling units over approximately 2,742 sq. ft. of ground-floor retail/personal space, and a three-level, below-grade parking structure for up to 46 independently accessible or 101 valet residential parking spaces.
Preliminary Recommendation: Approve the Draft Motion Adopting the CEQA Findings.
- 10b. 2005.0540E!KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Request under Planning Code Section 309 (the Downtown Plan), for determination of compliance and exceptions in C-3 Districts to rear yard requirement, limitations on residential off-street parking, curb-cut location, and comfort-level wind**. The project proposal is to demolish the existing single-story commercial structure, which is currently used as an attended public parking facility, and construct a new 14-story, 130-foot high mixed-use building consisting of up to 117 dwelling units over approximately 2,742 sq. ft. of ground-floor retail/personal space, and a three-level, below-grade parking structure for up to 46 independently accessible or 101 valet residential parking spaces. The subject property is currently located within the C-M (Heavy Commercial) District with a 130-L Height and Bulk Designation.
Preliminary Recommendation: Approval with conditions.
- 10c. 2005.0540E!KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Request for Conditional Use Authorization** under Planning Code Section 303 and 215(b), the Planning Commission may grant conditional use authorization in the proposed C-3-G District to allow dwelling unit density greater than one unit per 125 square feet of lot area. With a dwelling unit density of approximately one unit per 98 square feet of lot area, the Project requires Conditional Use authorization

for the proposed construction of a new 14-story, 130-foot high mixed-use building consisting of up to 117 dwelling units over approximately 2,742 sq. ft. of ground-floor retail/personal space, and a three-level, below-grade parking structure for up to 46 independently accessible or 101 valet residential parking spaces.

Preliminary Recommendation: Approval with conditions

- 10d. 2005.0540E|KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Request for Zoning Map Amendment** under Planning Code Section 302 to allow amendments to the Planning Code. The project proposes to amend Zoning Map Sheet 7 to reclassify the subject property from the existing C-M (Heavy Commercial) District to C-3-G (Downtown General Commercial) District for the proposed construction of a new 14-story, 130-foot high mixed-use building consisting of up to 117 dwelling units over approximately 2,742 sq. ft. of ground-floor retail/personal space, and a three-level, below-grade parking structure for up to 46 independently accessible or 101 valet residential parking spaces.
Preliminary Recommendation: Approval.
- 10e. 2005.0540E|KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Variance Request** per Planning Code Section 140 to allow a reduction in dwelling unit exposure. Although the courtyard is at least 25 feet in every horizontal dimension, its horizontal dimension does not increase by five feet at each subsequent floor. Therefore, 39 of the units facing onto the interior courtyard would require a Variance. The Variance will be considered by the Zoning Administrator.
11. 2001.1056E (L. KIENKER: (415) 575-9036)
280 DIVISADERO STREET CARRIAGE HOUSE EIR - east side of Divisadero Street between Page and Haight Streets; Lot 023 in Assessor's Block 1238 - **Certification of the Final Environmental Impact Report**. The proposed project would replace an existing approximately 1,340-square foot (sf) carriage house structure, part of Landmark No. 190, the Charles L. Hinkel House, for a single residential unit within the same building footprint as the existing structure and attached garage, at the northeast corner property lines of the 6,875-sf lot. The proposed structure would be two stories in height and include a deck over an attached garage. The proposed project would not modify the main three-story over garden-level residential structure. The project would require approval of a Variance for construction within the required setbacks and a Certificate of Appropriateness pursuant to Article 10 for demolition and new construction. The project would have a significant adverse impact on Landmark No. 190, constructed in 1885. Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on June 18, 2007. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission in writing prior to the hearing or during the Public Comment portion of the Commission calendar.
Preliminary Recommendation: Certify the Final EIR
12. 2005.0161E (C. KERN: (415) 575-9037)
CALAVERAS DAM REPLACEMENT PROJECT - **Public Hearing on the Draft Environmental Impact Report**. The San Francisco Public Utilities Commission (SFPUC) is proposing the Calaveras Dam Replacement Project. The SFPUC proposes to construct a new dam to replace the existing dam to improve seismic safety and to restore the water storage capacity of the Calaveras Reservoir. Calaveras Dam is located on Calaveras Creek in the Diablo Mountain Range in Alameda County, California, approximately 12 miles south of the City of Pleasanton and 7.5 miles east of the City of Fremont.

Note: Written comments will be accepted at the Planning Department's offices until the close of business on Friday, December 18, 2009.

Preliminary Recommendation: No Action Required

13. 2009.0840T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE SECTION 303(I) TO REQUIRE APPLICANTS FOR NEW FORMULA RETAIL USES TO APPOINT A COMMUNITY LIAISON TO RESPOND TO COMMUNITY CONCERNS DURING CONSTRUCTION AND STORE OPERATION [BOARD FILE NO. 09-1030]. Ordinance introduced by Supervisor Alioto-Pier amending Planning Code Section 303(i) to require applicants for new formula retail uses to appoint community liaisons to respond to community concerns during construction and store operation.
Preliminary Recommendation: Disapproval
14. 2008.0784T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS RELATING TO PLANNING CODE SECTION 227(V) TO AMEND THE DEFINITION OF A TOBACCO PARAPHERNALIA ESTABLISHMENT AND TO AMEND SECTION 723 – POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT TO PROHIBIT TOBACCO PARAPHERNALIA ESTABLISHMENTS [BOARD FILE NO. 09-0962] - Ordinance introduced by Supervisor Chiu amending Planning Code Section 227(v) to lower the threshold for retail stores to be considered tobacco paraphernalia establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending 723.1 and the Table at Section 723 to make tobacco paraphernalia establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1 to change the period of non-use for a non-conforming tobacco paraphernalia establishment to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
(Continued from Regular Meeting of October 22, 2009)
NOTE: On October 22, 2009, following public testimony, the Commission continued this item to November 12, 2009 by a vote of +7 -0. Public hearing remains open.
15. 2009.0843D (S. YOUNG: (415) 558-6346)
823 DIVISADERO STREET - west side between McAllister and Fulton Streets; Assessor's Block 1179; Lot 027 - Request for Discretionary Review of Building Permit Application No. 2009.04.16.6402, proposing the change of use of a vacant ground floor commercial space (previously a dry cleaning and laundry service establishment dba Family Cleaners) to a preschool (dba Our Victorian Schoolhouse), which will provide daycare educational services for up to 42 children in the NC-2 (Small-Scale Neighborhood Commercial) District, the Divisadero Street Alcohol Restricted Use District, and a 65-A Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project
(Continued from Regular Meeting of October 22, 2009)
NOTE: On October 22, 2009, without hearing, the Commission continued this matter to November 12, 2009 to investigate CEQA concerns by a vote of +6 -1. Commissioner Sugaya voted against.
- 16a. 2008.0069D (S. HAYWARD: (415) 558-6372)
176 RANDALL STREET - north side between Whitney and Church Streets, Lot 030 in Assessor's Block 6655 - Mandatory Discretionary Review, under Planning Code Section 317 requiring review of the demolition of residential buildings of Demolition

Permit Application No. 2007.12.26.1293 proposing to demolish a one-story-over-garage, single-family dwelling located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

(Continued from Regular Meeting of October 1, 2009)

- 16b. 2008.0003DDDDDDDD (S. HAYWARD: (415) 558-6372)
176 RANDALL STREET - north side between Whitney and Church Streets; Lot 030 in Assessor's Block 6655 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures of Building Permit Application No. 2007.12.26.1296, proposing to construct a new two-family dwelling on the subject lot. Four separate **Public Initiated Discretionary Review requests** regarding the replacement structure have also been filed and will be considered at this hearing. The subject lot is located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the new construction with modifications.
(Continued from Regular Meeting of October 1, 2009)

6:00 P.M. *Although the following item(s) may be considered after 6:00 p.m., they may not be considered before 6:00 p.m.*

17. 2009.1043U (K. MCGEE: (415) 558-6367)
NORTHEAST EMBARCADERO STUDY - **Informational** - The Northeast Embarcadero Study intends to guide the future development of properties along the west side of the Embarcadero, generally from Market to North Point. The study will focus on the Port's properties between Washington and North Point that are currently being used as parking lots. The Department intends to consider appropriate areas beyond these immediate sites in order to more fully understand the context and the role the Port properties play on The Embarcadero and in the larger city fabric. The Northeast Embarcadero Study aims to create a 'sense of place' by creating urban design guidelines and recommendations to ensure that new development strengthens The Embarcadero, elevates place, and is sensitive to context. The study also aims to help create a gracious public realm that connects the city to the waterfront and strengthens the linear promenade on the west side of The Embarcadero. Staff will introduce the Northeast Embarcadero Study; discuss the Study's planning process and remaining steps as well as present the Study's draft recommendations. For further details regarding the Study, and to view the Department's public presentations, please visit the Study's website at: <http://nes.sfplanning.gov>. This hearing is the first of two currently scheduled for this Study.
Preliminary Recommendation: Informational. No action is requested at this hearing

F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

CORRECTION
SAN FRANCISCO
PLANNING COMMISSION
Notice of Meeting
&
Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, November 12, 2009

1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

NOV - 9 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15 days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0185C (S. LAI: (415) 575-9087)
1102 TARAVAL STREET (A.K.A. 2397 21ST AVENUE) - northwest corner of Taraval Street and 21st Avenue, Lot 017 in Assessor's Block 2350 - **Request for Conditional Use Authorization** under Planning Code 711.42, 711.69A and 303, to establish a full-service restaurant and self-service specialty food store (DBA "Flanagan"), within the Taraval Street NC-2, RUSD (Restaurant and fast-food sub-district), and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Proposed for Continuance to December 3, 2009)
2. 2009.0322C (T. FRYE: (415) 575-6822)
617 SANSOME STREET - between Jackson and Washington Streets, Assessor's Block 0196; Lot 002 - **Request for Conditional Use Authorization** pursuant to Sections 249.25 and 303 of the Planning Code to change the legal use of the property from retail use to office use. The subject property is within a C-2 (Community Business) District with a 65-A Height and Bulk District, the Jackson Square Special Use District, and within the Jackson Square Historic District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of October 5, 2009)
(Proposed for Indefinite Continuance)
- 3a. 2009.0684D (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Demolition Permit Application No. 2008.12.01.7545 to demolish an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation.
Preliminary Recommendation: Do not take DR and approve the demolition.
(Continued from Regular Meeting of October 8, 2009)
(THE PROJECT APPLICATION HAS BEEN WITHDRAWN)
- 3b. 2008.1379DDDDV (E. JACKSON: (415) 558-6363)
448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures, of Building Permit Application No. 2008.12.01.7550 to construct a two family dwelling as the replacement structure to the proposed demolition of an existing single family dwelling in an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. Four separate **Public Initiated Discretionary Review requests** regarding the replacement structure have also been filed and will be considered at this hearing.

Preliminary Recommendation: Take Discretionary Review and approve the new construction with modifications.

(Continued from Regular Meeting of October 8, 2009)

(THE PROJECT APPLICATION HAS BEEN WITHDRAWN)

- 3c. 2008.1379DDDDDDV (E. JACKSON: (415) 558-6363)
 448 PENNSYLVANIA AVENUE - west side between 19th and 20th Streets, Lot 007 in Assessor's Block 4064 - **Request for Front Setback and Rear Yard Variances** pursuant to Planning Code Section 132 and 134 for the construction of a new two family dwelling as the replacement structure to the proposed demolition of an existing single family dwelling within an RH-2 (Residential, House, Two-Family) District with a 40-X Height and Bulk Designation. These Variance requests will be heard and considered by the Zoning Administrator.
 (Continued from Regular Meeting of October 8, 2009)
(THE PROJECT APPLICATION HAS BEEN WITHDRAWN)

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:
 - Draft Minutes of Regular Meeting of November 13, 2008.
 - Draft Minutes of Regular Meeting of October 22, 2009.
5. Commission Comments/Questions
 - **Inquiries/Announcements.** Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - **Future Meetings/Agendas.** At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

6. Director's Announcements
7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
8. (S. SANCHEZ: (415) 558-6326)
ACADEMY OF ART UNIVERSITY ENFORCEMENT PROGRAM UPDATE – **Informational presentation and discussion** on the status of pending enforcement cases and preparation of Institutional Master Plan (IMP), traffic and environmental review documents by the Academy of Art University.
 Preliminary Recommendation: Informational/discussion only. No Action.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With

respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

9. 2005.0540E (I. NISHIMURA: (415) 575-9041)
1415 MISSION STREET – MIXED-USE DEVELOPMENT - on the southwest corner of Mission Street and Tenth Street; Lot 001 in Assessor's Block 3510 - **Certification of the Final Environmental Impact Report**. The proposed project would involve the demolition of a one-story, 18-foot tall, approximately 5,000-square-foot commercial building and a paved, surface parking area, and construction of a new 130-foot high, 14-story, mixed-use residential-commercial building with approximately 2,742 square feet of ground floor commercial space, up to 117 dwelling units, and a three-level subterranean garage with up to 46 independently-accessible residential parking spaces or up to 101 valet-service, residential parking spaces. The project site is within a C-M (Heavy Commercial) District and a 130-L Height and Bulk District. The proposed project requires zoning reclassification to a C-3-G (Downtown, General Commercial) District; Planning Code 309 exceptions; Conditional Use Authorization; Variances; and Transfer of Development Rights (TDR).

Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on April 13, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar. Preliminary Recommendation: Certify the Final Environmental Impact Report.

- 10a. 2005.0540E!KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Consideration of Adoption of CEQA Findings** regarding the proposed construction a new 14-story, 130-foot high mixed-use building consisting of up to 117 dwelling units over approximately 2,742 sq. ft. of ground-floor retail/personal space, and a three-level, below-grade parking structure for up to 46 independently accessible or 101 valet residential parking spaces.

Preliminary Recommendation: Approve the Draft Motion Adopting the CEQA Findings.

- 10b. 2005.0540E!KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Request under Planning Code Section 309 (the Downtown Plan), for determination of compliance and exceptions in C-3 Districts to rear yard requirement, limitations on residential off-street parking, curb-cut location, and comfort-level wind**. The project proposal is to demolish the existing single-story commercial structure, which is currently used as an attended public parking facility, and construct a new 14-story, 130-foot high mixed-use building consisting of up to 117 dwelling units over approximately 2,742 sq. ft. of ground-floor retail/personal space, and a three-level, below-grade parking structure for up to 46 independently accessible or 101 valet residential parking spaces. The subject property is currently located within the C-M (Heavy Commercial) District with a 130-L Height and Bulk Designation.

Preliminary Recommendation: Approval with conditions.

- 10c. 2005.0540E!KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Request for Conditional Use Authorization** under Planning Code Section 303 and 215(b), the Planning Commission may grant conditional use authorization in the proposed C-3-G District to allow dwelling unit density greater than one unit per 125 square feet of lot area. With a dwelling unit density of approximately one unit per 98 square feet of lot area, the Project requires Conditional Use authorization

for the proposed construction of a new 14-story, 130-foot high mixed-use building consisting of up to 117 dwelling units over approximately 2,742 sq. ft. of ground-floor retail/personal space, and a three-level, below-grade parking structure for up to 46 independently accessible or 101 valet residential parking spaces .
Preliminary Recommendation: Approval with conditions

- 10d. 2005.0540E!KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Request for Zoning Map Amendment** under Planning Code Section 302 to allow amendments to the Planning Code. The project proposes to amend Zoning Map Sheet 7 to reclassify the subject property from the existing C-M (Heavy Commercial) District to C-3-G (Downtown General Commercial) District for the proposed construction of a new 14-story, 130-foot high mixed-use building consisting of up to 117 dwelling units over approximately 2,742 sq. ft. of ground-floor retail/personal space, and a three-level, below-grade parking structure for up to 46 independently accessible or 101 valet residential parking spaces.
Preliminary Recommendation: Approval.
- 10e. 2005.0540E!KCXVZ (B. FU: (425) 558-6613)
1415 MISSION STREET - southwest corner of Mission and 10th Streets; Lot 001 in Assessor's Block 3510 - **Variance Request** per Planning Code Section 140 to allow a reduction in dwelling unit exposure. Although the courtyard is at least 25 feet in every horizontal dimension, its horizontal dimension does not increase by five feet at each subsequent floor. Therefore, 39 of the units facing onto the interior courtyard would require a Variance. The Variance will be considered by the Zoning Administrator.
11. 2001.1056E (L. KIENKER: (415) 575-9036)
280 DIVISADERO STREET CARRIAGE HOUSE EIR - east side of Divisadero Street between Page and Haight Streets; Lot 023 in Assessor's Block 1238 - **Certification of the Final Environmental Impact Report**. The proposed project would replace an existing approximately 1,340-square foot (sf) carriage house structure, part of Landmark No. 190, the Charles L. Hinkel House, for a single residential unit within the same building footprint as the existing structure and attached garage, at the northeast corner property lines of the 6,875-sf lot. The proposed structure would be two stories in height and include a deck over an attached garage. The proposed project would not modify the main three-story over garden-level residential structure. The project would require approval of a Variance for construction within the required setbacks and a Certificate of Appropriateness pursuant to Article 10 for demolition and new construction. The project would have a significant adverse impact on Landmark No. 190, constructed in 1885. Please note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on June 18, 2007. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission in writing prior to the hearing or during the Public Comment portion of the Commission calendar.
Preliminary Recommendation: Certify the Final EIR
12. 2005.0161E (C. KERN: (415) 575-9037)
CALAVERAS DAM REPLACEMENT PROJECT - **Public Hearing on the Draft Environmental Impact Report**. The San Francisco Public Utilities Commission (SFPUC) is proposing the Calaveras Dam Replacement Project. The SFPUC proposes to construct a new dam to replace the existing dam to improve seismic safety and to restore the water storage capacity of the Calaveras Reservoir. Calaveras Dam is located on Calaveras Creek in the Diablo Mountain Range in Alameda County, California, approximately 12 miles south of the City of Pleasanton and 7.5 miles east of the City of Fremont.

Note: Written comments will be accepted at the Planning Department's offices until the close of business on Friday, December 18, 2009.

Preliminary Recommendation: No Action Required

13. 2009.0840T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE SECTION 303(I) TO REQUIRE APPLICANTS FOR NEW FORMULA RETAIL USES TO APPOINT A COMMUNITY LIAISON TO RESPOND TO COMMUNITY CONCERNS DURING CONSTRUCTION AND STORE OPERATION [BOARD FILE NO. 09-1030]. Ordinance introduced by Supervisor Alioto-Pier amending Planning Code Section 303(i) to require applicants for new formula retail uses to appoint community liaisons to respond to community concerns during construction and store operation.
Preliminary Recommendation: Disapproval
14. 2008.0784T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS RELATING TO PLANNING CODE SECTION 227(V) TO AMEND THE DEFINITION OF A TOBACCO PARAPHERNALIA ESTABLISHMENT AND TO AMEND SECTION 723 – POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT TO PROHIBIT TOBACCO PARAPHERNALIA ESTABLISHMENTS [BOARD FILE NO. 09-0962] - Ordinance introduced by Supervisor Chiu amending Planning Code Section 227(v) to lower the threshold for retail stores to be considered tobacco paraphernalia establishments from 15% of the square footage of the establishment to 10% of the occupied floor area, as defined in Section 102.10, or 10 linear feet of display area in total, whichever is less; amending Sections 790.123 and 890.123 to reflect this amended definition; amending 723.1 and the Table at Section 723 to make tobacco paraphernalia establishments, as defined, not permitted in the Polk Street Neighborhood Commercial District; amending Section 186.1 to change the period of non-use for a non-conforming tobacco paraphernalia establishment to be deemed discontinued in the Polk Street Neighborhood Commercial District from three years to eighteen months; making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.
Preliminary Recommendation: Approval.
(Continued from Regular Meeting of October 22, 2009)
NOTE: On October 22, 2009, following public testimony, the Commission continued this item to November 12, 2009 by a vote of +7 -0. Public hearing remains open.
15. 2009.0843D (S. YOUNG: (415) 558-6346)
823 DIVISADERO STREET - west side between McAllister and Fulton Streets; Assessor's Block 1179; Lot 027 - Request for Discretionary Review of Building Permit Application No. 2009.04.16.6402, proposing the change of use of a vacant ground floor commercial space (previously a dry cleaning and laundry service establishment dba Family Cleaners) to a preschool (dba Our Victorian Schoolhouse), which will provide daycare educational services for up to 42 children in the NC-2 (Small-Scale Neighborhood Commercial) District, the Divisadero Street Alcohol Restricted Use District, and a 65-A Height and Bulk District.
Preliminary Recommendation: Do Not Take Discretionary Review and Approve Project
(Continued from Regular Meeting of October 22, 2009)
NOTE: On October 22, 2009, without hearing, the Commission continued this matter to November 12, 2009 to investigate CEQA concerns by a vote of +6 -1. Commissioner Sugaya voted against.
- 16a. 2008.0069D (S. HAYWARD: (415) 558-6372)
176 RANDALL STREET - north side between Whitney and Church Streets, Lot 030 in Assessor's Block 6655 - Mandatory Discretionary Review, under Planning Code Section 317 requiring review of the demolition of residential buildings of Demolition

Permit Application No. 2007.12.26.1293 proposing to demolish a one-story-over-garage, single-family dwelling located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.

(Continued from Regular Meeting of October 1, 2009)

- 16b. 2008.0003DDDDDD (S. HAYWARD: (415) 558-6372)
176 RANDALL STREET - north side between Whitney and Church Streets; Lot 030 in Assessor's Block 6655 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures of Building Permit Application No. 2007.12.26.1296, proposing to construct a new two-family dwelling on the subject lot. ~~Six~~ **Four** separate **Public Initiated Discretionary Review requests** regarding the replacement structure have also been filed and will be considered at this hearing. The subject lot is located in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and approve the new construction with modifications.
(Continued from Regular Meeting of October 1, 2009)

6:00 P.M. *Although the following item(s) may be considered after 6:00 p.m., they may not be considered before 6:00 p.m.*

17. 2009.1043U (K. MCGEE: (415) 558-6367)
NORTHEAST EMBARCADERO STUDY - Informational - The Northeast Embarcadero Study intends to guide the future development of properties along the west side of the Embarcadero, generally from Market to North Point. The study will focus on the Port's properties between Washington and North Point that are currently being used as parking lots. The Department intends to consider appropriate areas beyond these immediate sites in order to more fully understand the context and the role the Port properties play on The Embarcadero and in the larger city fabric. The Northeast Embarcadero Study aims to create a 'sense of place' by creating urban design guidelines and recommendations to ensure that new development strengthens The Embarcadero, elevates place, and is sensitive to context. The study also aims to help create a gracious public realm that connects the city to the waterfront and strengthens the linear promenade on the west side of The Embarcadero. Staff will introduce the Northeast Embarcadero Study; discuss the Study's planning process and remaining steps as well as present the Study's draft recommendations. For further details regarding the Study, and to view the Department's public presentations, please visit the Study's website at: <http://nes.sfplanning.gov>. This hearing is the first of two currently scheduled for this Study.
Preliminary Recommendation: Informational. No action is requested at this hearing.

F. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

**SAN FRANCISCO
PLANNING COMMISSION
&
RECREATION AND PARK COMMISSION**

Notice of Joint Hearing

Commission Chambers - Room 416
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, November 19, 2009

10:30 AM
Joint Hearing

GOVERNMENT
DOCUMENTS DEPT

NOV 13 2009

SAN FRANCISCO
PUBLIC LIBRARY

Planning Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp

Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

**CITY PLANNING
COMMISSION:**

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee;
Kathrin Moore; Hisashi Sugaya

**RECREATION & PARK
COMMISSION:**

President: Jim Lazarus
Vice-President: Tom Harrison
Commissioners: Gloria Bonilla; David Lee; Meagan Levitan; Larry Martin;
Michael J. Sullivan

A. SPECIAL CALENDAR

(C. NIKITAS: (415) 558-6306)

UPDATES ON THE IMPLEMENTATION OF PLANNING CODE SECTION 295 -
Consideration of joint Commission adoption of a Memorandum to Implement Section
295 of the Planning Code, which would update procedures, definitions, and criteria for
analysis of shadows, and would supersede the Memo adopted jointly on February 7,
1989.

Preliminary recommendation: Adoption of Memorandum

Adjournment:

**SAN FRANCISCO
PLANNING COMMISSION
Notice of Special Meeting
&
Calendar**

**Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, November 19, 2009
1:30 PM
Special Meeting**

GOVERNMENT
DOCUMENTS DEPT

NOV 13 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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1650 MISSION STREET, 4TH FLOOR RECEPTION

A. SPECIAL CALENDAR

2008.14091 (E. WATTY: (415) 558-6620)
CALIFORNIA PACIFIC MEDICAL CENTER (CPMC) INSTITUTIONAL MASTER PLAN (IMP) - Public Hearing on California Pacific Medical Center's Institutional Master Plan (IMP), pursuant to Planning Code Section 304.5. The IMP contains information on the nature and history of the institution, the location and use of affiliated buildings, and future development plans. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").

Recommendation: No action required. This is an informational item only.

(Continued from Regular Meeting of October 15, 2009)

NOTE: On October 15, 2009, following public testimony and Commission deliberation, the matter was continued to November 19, 2009, 10:00 a.m. special hearing. Due to a conflict with the Commission's meeting schedule, this special hearing was moved to a 1:30 p.m. start time. The public hearing remains open.

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place

Thursday, November 19, 2009

5:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

NOV 13 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

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1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. **When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals

within 15 days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

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For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

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Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sttf@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2008.0197CEX (A. CONTRERAS: (415) 575-9044)
942 MISSION STREET - north side of Mission Street, between Fifth and Sixth Streets, Lot 15 in Assessor's Block 3704 - **Appeal of Preliminary Mitigated Negative Declaration** for a project proposing the demolition of an existing two-story-over-basement office and commercial building, and construction of a 152-foot-tall, 15-story building containing approximately 3,240 square feet of ground-floor retail space, 4,025 square feet of ground floor circulation and building service space, and about 72,000 square feet of hotel space including 172 hotel rooms, with pedestrian access from Mission and Jessie Streets. No off-street parking or loading is proposed. The project is located in a C-3-G (Downtown General Commercial) Use District and a 160-F Height and Bulk District.
Preliminary Recommendation: Uphold Preliminary Mitigated Negative Declaration
(Continued from Regular Meeting of October 22, 2009)
(Proposed for Continuance to December 10, 2009)
- 2a. 2008.0197CEX (J. MILLER: (415) 558-6344)
942 MISSION STREET - north side between Mint and Sixth Streets, a through-lot to Jessie Street - **Review under Planning Code Section 309** of new construction of a 15-story HOTEL, approximately 79,000 gross square feet, with approximately 172 rooms, approximately 3,240 square feet of ground-floor retail space and approximately 152 feet in height, Lot 015 in Assessor's Block 3704, in a C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.
(Continued from Regular Meeting of October 22, 2009)
(Proposed for Continuance to December 10, 2009)
- 2b. 2008.0197CEX (J. MILLER: (415) 558-6344)
942 MISSION STREET - north side between Mint and Sixth Streets, a through-lot to Jessie Street - **Request for Conditional Use Authorization** pursuant to Planning Code Section 216(b)(i) for a new HOTEL with approximately 172 rooms, Lot 015 in Assessor's Block 3704, in a C-3-G (Downtown General Commercial) District and a 160-F Height and Bulk District.
(Continued from Regular Meeting of October 22, 2009)
(Proposed for Continuance to December 10, 2009)

E. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission.

There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2009.0884C (S. VELLVE: (415) 558-6263)
132 CLEMENT STREET - North side between 2nd and 3rd Avenues, Lot 022, Block 1431 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 161(j) and 303 to allow the creation of two dwelling units without the required two off-street parking spaces in a mixed-use building with ground-floor commercial space within the Inner Clement Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:
- Draft Minutes of Special Meeting of November 5, 2009.
 - Draft Minutes of Regular Meeting of November 5, 2009.
5. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

6. Director's Announcements
7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
8. (D. SIDER: (415) 575-6697)
GENERAL ADVERTISING SIGN PROGRAM ANNUAL REPORT- Informational Presentation on the status of the Department's General Advertising Sign Program (GASP). Planning Code Section 604.2(h) requires that the Planning Department submit to the Planning Commission and Board of Supervisors an annual report on the program that includes revenues, expenditures, and a progress report on the program's activities.
9. (J. SWITZKY: (415) 575-6815)
TRANSIT CENTER DISTRICT PLAN - PUBLIC RELEASE OF DRAFT PLAN - This informational presentation marks the Planning Department's publication of the **Draft Transit Center District Plan for public discussion**. The Plan area is roughly bounded by Market Street on the north, Steuart Street on the east, Folsom Street on the south, and Hawthorne Street on the west, and contains within it the adopted Transbay Redevelopment Project Area. This new comprehensive plan for a sub-area of

the downtown complements the Downtown Plan and contains policy recommendations regarding land use, urban form, open space, streets and transportation, historic preservation, and financing mechanisms for public improvements for the several blocks surrounding the new Transbay Transit Center. **The public review period will last through the latter half of 2010**, when environmental review is expected to be complete and action can be taken to adopt the Plan. No action is currently requested. This is an informational presentation only.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

10. 2009.0861C (C. JAROSLAWSKY (415) 558-6348)
3583 16th STREET - south side between Noe and Sanchez Streets; Lot 092 in Assessor's Block 3564 - **Request for Conditional Use Permit** to modify Conditions of Approval to increase hours of operation and allow seating within the rear yard and sidewalk for the full-service restaurant, dba "Starbelly", in the Upper Market Neighborhood Commercial District and a 50-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions.
- 11a. 2008.1110CTZ (C. TEAGUE: (415) 575-9081)
6600 3RD STREET - west side at the corner of Le Conte Ave, Lot 009 in Assessor's Block 5476 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303 and 304 for a Planned Unit Development (PUD) that would demolish the existing 43-bedroom residential hotel and surface parking lot and construct a 4-story over basement garage residential building containing 73 affordable dwelling units, residential services on the ground floor, and a 21-space basement level parking garage, with modifications to rear yard, off-street parking and height measurement requirements, in a RM-1 (Residential, Mixed-Districts, Low Density) District and a 40-X Height and Bulk District, proposed for inclusion in the Third Street and Le Conte Ave Affordable Housing Special Use District (SUD), which would overlay the project site and provide modifications to permit additional density for affordable housing.
Preliminary Recommendation: Approve with Conditions
- 11b. 2008.1110CTZ (C. TEAGUE: (415) 575-9081)
6600 3RD STREET - west side at the corner of Le Conte Ave, Lot 009 in Assessor's Block 5476 - **Request for a Planning Code Text Amendment** pursuant to Section 302 to create the "Third Street and Le Conte Ave Affordable Housing Special Use District" (SUD), which would overlay the site and provide modifications to permit additional density for affordable housing, proposed to be added as Section 249.XX with associated amendments to Section 10 of the Zoning Map. The Planning Commission will consider a resolution recommending this Text Amendment to the Board of Supervisors. The proposed SUD would overlay the project site and provide modifications to permit additional density for affordable housing, within a RM-1 (Residential, Mixed-Districts, Low Density) District and a 40-X Height and Bulk District, proposed for zoning reclassification below.
Preliminary Recommendation: Recommend Approval to the Board of Supervisors

within 15 days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

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1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

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(Proposed for Continuance to December 10, 2009)
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There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2009.0884C (S. VELLVE: (415) 558-6263)
132 CLEMENT STREET - North side between 2nd and 3rd Avenues, Lot 022, Block 1431 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 161(j) and 303 to allow the creation of two dwelling units without the required two off-street parking spaces in a mixed-use building with ground-floor commercial space within the Inner Clement Neighborhood Commercial District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions

B. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

4. Consideration of Adoption:
- Draft Minutes of Special Meeting of November 5, 2009.
 - Draft Minutes of Regular Meeting of November 5, 2009.
5. Commission Comments/Questions
- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

C. DIRECTOR'S REPORT

6. Director's Announcements
7. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
8. (D. SIDER: (415) 575-6697)
GENERAL ADVERTISING SIGN PROGRAM ANNUAL REPORT- **Informational Presentation** on the status of the Department's General Advertising Sign Program (GASP). Planning Code Section 604.2(h) requires that the Planning Department submit to the Planning Commission and Board of Supervisors an annual report on the program that includes revenues, expenditures, and a progress report on the program's activities.
9. (J. SWITZKY: (415) 575-6815)
TRANSIT CENTER DISTRICT PLAN - PUBLIC RELEASE OF DRAFT PLAN - **This informational presentation marks the Planning Department's publication of the Draft Transit Center District Plan for public discussion.** The Plan area is roughly bounded by Market Street on the north, Steuart Street on the east, Folsom Street on the south, and Hawthorne Street on the west, and contains within it the adopted Transbay Redevelopment Project Area. This new comprehensive plan for a sub-area of

the downtown complements the Downtown Plan and contains policy recommendations regarding land use, urban form, open space, streets and transportation, historic preservation, and financing mechanisms for public improvements for the several blocks surrounding the new Transbay Transit Center. **The public review period will last through the latter half of 2010**, when environmental review is expected to be complete and action can be taken to adopt the Plan. No action is currently requested. This is an informational presentation only.

D. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

E. REGULAR CALENDAR

10. 2009.0861C (C. JAROSLAWSKY (415) 558-6348)
3583 16th STREET - south side between Noe and Sanchez Streets; Lot 092 in Assessor's Block 3564 - **Request for Conditional Use Permit** to modify Conditions of Approval to increase hours of operation and allow seating within the rear yard and sidewalk for the full-service restaurant, dba "Starbelly", in the Upper Market Neighborhood Commercial District and a 50-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions.
- 11a. 2008.1110CTZ (C. TEAGUE: (415) 575-9081)
6600 3RD STREET - west side at the corner of Le Conte Ave, Lot 009 in Assessor's Block 5476 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 303 and 304 for a Planned Unit Development (PUD) that would demolish the existing 43-bedroom residential hotel and surface parking lot and construct a 4-story over basement garage residential building containing 73 affordable dwelling units, residential services on the ground floor, and a 21-space basement level parking garage, with modifications to rear yard, off-street parking and height measurement requirements, in a RM-1 (Residential, Mixed-Districts, Low Density) District and a 40-X Height and Bulk District, proposed for inclusion in the Third Street and Le Conte Ave Affordable Housing Special Use District (SUD), which would overlay the project site and provide modifications to permit additional density for affordable housing.
Preliminary Recommendation: Approve with Conditions
- 11b. 2008.1110CTZ (C. TEAGUE: (415) 575-9081)
6600 3RD STREET - west side at the corner of Le Conte Ave, Lot 009 in Assessor's Block 5476 - **Request for a Planning Code Text Amendment** pursuant to Section 302 to create the "Third Street and Le Conte Ave Affordable Housing Special Use District" (SUD), which would overlay the site and provide modifications to permit additional density for affordable housing, proposed to be added as Section 249.XX with associated amendments to Section 10 of the Zoning Map. The Planning Commission will consider a resolution recommending this Text Amendment to the Board of Supervisors. The proposed SUD would overlay the project site and provide modifications to permit additional density for affordable housing, within a RM-1 (Residential, Mixed-Districts, Low Density) District and a 40-X Height and Bulk District, proposed for zoning reclassification below.
Preliminary Recommendation: Recommend Approval to the Board of Supervisors

- 11c. 2008.1110CTZ (C. TEAGUE: (415) 575-9081)
6600 3RD STREET - west side at the corner of Le Conte Ave, Lot 009 in Assessor's Block 5476 - **Request for a Zoning Map Amendment** pursuant to Planning Code 302 to amend Map 10 and Map10SU of the Official Zoning Map of the City and County of San Francisco, to establish the "Third Street and Le Conte Ave Affordable Housing Special Use District" (SUD) at the subject site. The Planning Commission will consider a resolution recommending these Zoning Map Amendments to the Board of Supervisors.
Preliminary Recommendation: Recommend Approval to the Board of Supervisors
12. 2007.0168C (M. SNYDER: (415) 575-6891)
THE 22.5-ACRE HUNTERS VIEW PUBLIC HOUSING DEVELOPMENT: MIDDLE POINT AND WEST POINT ROADS AND WILLS AND HARE STREET, LOTS 003, 004, AND 009 IN BLOCK 4624 AND AN ADJACENT VACANT PROPERTY, A PORTION OF KEITH STREET, LOT 027 IN BLOCK 4720 - **Informational Presentation** on the design refinements of the first phase for the proposed project approved under Planned Unit Development / Conditional Use Case No. 2007.0168C. The Project in its entirety consists of demolishing and replacing all of the existing Housing Authority units and constructing additional units resulting in approximately 800 dwelling units, 6,400 square feet of resident-serving commercial uses, 21,600 square feet of residential care and other supportive services, along with new streets, parks, and other open space. The design refinement contemplated would effect three of the 21 proposed new blocks by slightly increasing the number of dwelling units and changing the building envelopes. The total number of dwelling units proposed for the entire project would not increase. The subject site is within an RM-1 (Residential, Mixed, Low-Density) District, the Hunters View Special Use District, and within a 40/65-X Height and Bulk District.

G. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION

Regular Meeting
Thursday, November 26, 2009

6/09
canceled

NOTICE IS HEREBY GIVEN that the Regular Meeting of the San Francisco Planning Commission for *Thursday, November 26, 2009*, has been cancelled. The next Regular Meeting of the Planning Commission will be held on, *Thursday, December 3, 2009*.

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER

PRESIDENT	RON MIGUEL
VICE-PRESIDENT	CHRISTINA OLAGUE
COMMISSIONER	MICHAEL J. ANTONINI
COMMISSIONER	GWYNETH BORDEN
COMMISSIONER	WILLIAM L. LEE
COMMISSIONER	KATHRIN MOORE
COMMISSIONER	HISASHI SUGAYA
DIRECTOR OF PLANNING	JOHN RAHAIM
COMMISSION SECRETARY	LINDA D. AVERY

GOVERNMENT
DOCUMENTS DEPT

NOV 20 2009

SAN FRANCISCO
PUBLIC LIBRARY

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, December 3, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

NOV 24 2009

SAN FRANCISCO
PUBLIC LIBRARY

President: Ron Miguel

Vice-President: Christina R. Olague

Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

Commission Secretary: Linda D. Avery

Commission Calendars are available on the Internet at <http://www.sfgov.org/planning>
or as a recorded message at (415) 558-6422.

View the meeting online at: http://www.sfgov.org/site/sfgtv_index.asp
Or

View the broadcast live, Thursdays on Cable Channel 78.

And

The re-broadcast on Fridays at 8:00 p.m., Cable Channel 26

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

Commission Meeting Procedures

Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Department reception counter at 1650 Mission Street, 4th floor, no later than 5:00 PM the Wednesday (eight days) prior to the scheduled public hearing. Persons unable to attend a hearing may submit written comments regarding a calendared item to: Planning Commission, 1650 Mission Street, Suite 400, San Francisco, CA 94103-2414. Comments received by 11:00 AM on the day of the hearing will be made part of the official record and will be brought to the attention of the Planning Commission at the public hearing. Otherwise, submit material related to a calendared item at the scheduled hearing for distribution. For complete distribution to all Commissioners, necessary staff and case/docket/correspondence files, submit an original plus 10 copies. *When sending e-mail correspondence to Commissioners, please copy the Commission Secretary at: linda.avery@sfgov.org*

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission, at, or prior to, the public hearing.

Commission action on conditional-uses and reclassification may be appealed to the Board of Supervisors within 30 days. Call (415) 554-5184 for more information. Commission actions after Discretionary Review may be appealed to the Board of Appeals within 15

days of action by the Central Permit Bureau. Call (415) 575-6880 for more information. Zoning Administrator action on a variance application may be appealed to the Board of Appeals within 10 days of issuance of the written decision.

The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Section 21.00-2.160] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soff@sfgov.org

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvr/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.0840I (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE SECTION 303(I) TO REQUIRE APPLICANTS FOR NEW FORMULA RETAIL USES TO APPOINT A COMMUNITY LIAISON TO RESPOND TO COMMUNITY CONCERNS DURING CONSTRUCTION AND STORE OPERATION [BOARD FILE NO. 09-1030]. Ordinance introduced by Supervisor Alioto-Pier amending Planning Code Section 303(I) to require applicants for new formula retail uses to appoint community liaisons to respond to community concerns during construction and store operation.
Preliminary Recommendation: Disapproval
(Continued from Regular Meeting of November 12, 2009)
(Proposed for Continuance to December 17, 2009)
2. 2008.0395E (I. NISHIMURA: (415) 575-9041)
2130 FULTON STREET - University of San Francisco Center for Science and Innovation - north side, between Golden Gate, Masonic, and Parker Avenues; Lot 003 in Assessor's Block 114 - **Public Hearing on an Appeal of the Preliminary Mitigated Negative Declaration.** The approximately 80,000-square-foot project site is on the Main Campus of the University of San Francisco, in the existing Harney Green and Harney Plaza area. The proposed project includes removal of Harney Green and Plaza; site excavation; and construction of a three-story with a partial fourth floor, 53-foot high building with a partial basement, which would connect on all floors to the south end of the existing Harney Science Building, and a below-grade, two-level structure, which is also a component of the proposed project. The roof of this building would serve as a new plaza and pedestrian area. Together, the new structures would have approximately 60,000 square feet of classrooms, laboratories, instrumentation rooms, and building mechanical/support spaces. The project site is within an RH-2 (Residential, House, Two-Family) District and an 80-D Height and Bulk District. The proposed project would require Conditional Use Authorization for a post-secondary institutional use in an RH-2 District, and for exceeding a building height of 40 feet in an R District.
Preliminary Recommendation: Uphold Mitigated Negative Declaration
(Continued from Regular Meeting of November 5, 2009)
(Proposed for Continuance to January 14, 2010)
3. 2008.0395C (S. VELLVE: (415) 558-6263)
2130 FULTON STREET - north side, between Fulton Street, Golden Gate, Masonic, and Parker Avenues; Lot 003 in Assessor's Block 1145 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 209.3 253, 303 and 304 for the University of San Francisco to construct the Center for Science and Innovation in an approximately 40,000 square-foot building approximately 53 feet in height in the location

of Harney Green, and a two-story 20,000 square-foot below-grade educational building below Harney Plaza for a project that will include classrooms, laboratories, instrumentation rooms, building mechanical/support spaces and up to two off-street loading spaces within an RH-2 (Residential, House, Two-Family) District and an 80-D Height and Bulk District.

Preliminary Recommendation: Approval with Conditions.

(Proposed for Continuance to January 14, 2010)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

4. 2009.0650C (S. LAI: (415) 575.9087)
3936-3938 24TH STREET - north side of 24th Street between Sanchez and Noe Streets, Lots 044 and 045 in Assessor's Block 3654 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections, 728.49 and 303, for a change of use from retail uses to a financial service establishment (DBA "Circle Bank") The subject property is located within the 24th and Noe Valley NCD (Neighborhood Commercial District) and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
5. 2009.0772C (S. LAI: (415) 575.9087)
1050 TARAVAL STREET - northeast corner of Taraval Street and 21st Avenue, Lot 022 in Assessor's Block 2349 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 711.44 and 303, for a change of use from an existing retail sales and services establishment (DBA "Quickly") to a small self-service restaurant under the same ownership, within the Taraval Street RUSD (Restaurant and fast-food sub-district), NC-2 (Small-Scale, Neighborhood Commercial District) and a 65-A Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
6. 2009.0834C (D. SÁNCHEZ: (415) 575-9082)
1050 SOUTH VAN NESS AVENUE -west side between 21st and 22nd Streets, Lot 006A, 053 in Assessor's Block 3615 - **Request for Conditional Use Authorization** under Planning Code Sections 209.3(f) and 303 to establish a child care facility providing less than 24 hour care for 13 or more children within the RTO-M (Residential, Transit Oriented, Mission Neighborhood) Zoning District with a 50-X Height and Bulk Designation.
Preliminary Recommendation: Approval with Conditions
- 7a. 2009.0304CVRE (D. SÁNCHEZ: (415) 575-9082)
5075 3RD STREET - northeast corner of 3rd Street and Revere Avenue, Lots 006A, 006B, 007, 007A in Assessor's Block 5339 - **Request for Conditional Use Authorization** under Planning Code Sections 712.83 and 303 to construct an approximately 10,600 square-foot new single-story public library building within a P (Public Use) and an NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District with a 40-X Height and Bulk designation. The Zoning Administrator will also consider a request for Variance from the off-street parking requirement.
Preliminary Recommendation: Approval with Conditions

- 7b. 2009.0304CVRE (D. SÁNCHEZ: (415) 575-9082)
5075 3RD STREET - northeast corner of 3rd Street and Revere Avenue; Lots 006A, 006B, 007, 007A in Assessor's Block 5339 - **Request for Variance**, pursuant to Planning Code Sections 151 and 305 to reduce the number of off-street parking spaces. The project is required to provide five off-street parking spaces but is proposing zero off-street parking spaces. The project proposes to construct an approximately 10,600 square foot new single story public library within a P (Public Use) and an NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District with a 40-X height and bulk district. The Zoning Administrator will consider the variance application concurrently with the Planning Commission.

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

8. Consideration of Adoption:

- Draft Minutes of Regular Meeting of November 12, 2009.
- Draft Minutes of Regular Meeting of November 19, 2009.

9. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

10. Director's Announcements

11. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

12. (K. GUY: (415) 558-6163)

TRINITY ART MASTER PLAN - **Informational Presentation**

13. (J. JARAMILLO: (415) 575-6818)

2008 FIVE-YEAR DOWNTOWN PLAN MONITORING REPORT - Downtown Plan Monitoring Report – **Informational presentation on the 2008 Five-Year Downtown Plan Monitoring Report**. Chapter 10E of the San Francisco Administrative Code requires the Planning Department to complete a five-year report to measure development trends in the Downtown against the goals of the Downtown Plan of the San Francisco General Plan. The report discusses employment and development trends, transportation, housing, fiscal revenues and other topics pertaining to the Downtown C-3 district for fiscal years 2002 through 2007. Informational item only, no action necessary. Report is available for the public at the Planning Department and can be downloaded from the website at:

http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/Downtown_Monitoring_Report_5-Year_2008.pdf

Preliminary Recommendation: No Action required. Informational only.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

G. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

14. 2006.0137E (B. BECKER: (415) 575-9045)
SUNOL VALLEY WATER TREATMENT PLANT EXPANSION AND TREATED WATER RESERVOIR PROJECT – Certification of the Final Environmental Impact Report - The San Francisco Public Utilities Commission (SFPUC) is proposing the Sunol Valley Water Treatment Plant (SVWTP) Expansion and Treated Water Reservoir Project. The SVWTP Project proposes the construction and operation of a new 17.5 million-gallon (MG) treated water reservoir, 3.5 MG chlorine contact tank, flocculation and sedimentation basin, construction of new effluent pipelines within the SVWTP, and a new 78-inch pipeline connecting the new treated water reservoir to the existing 78-inch plant discharge pipeline, which transports water from the plant to the existing Alameda Siphons.

Preliminary Recommendation: Certify the Environmental Impact Report

Note: The public hearing on the Draft EIR is closed. The public comment period for the Draft EIR ended on July 17, 2009. The Planning Commission does not conduct public review of Final EIRs. Public comments on the certification may be presented to the Planning Commission during the Public Comment portion of the Commission calendar.

H. REGULAR CALENDAR

15. 2008.0185C (S. LAI: (415) 575-9087)
1102 TARAVAL STREET (A.K.A. 2397 21ST AVENUE) - northwest corner of Taraval Street and 21st Avenue, Lot 017 in Assessor's Block 2350 - **Request for Conditional Use Authorization** under Planning Code 711.42, 711.69A and 303, to establish a full-service restaurant and self-service specialty food store (DBA "Flanagan"), within the Taraval Street NC-2, RUSD (Restaurant and fast-food sub-district), and a 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
(Continued from Regular Meeting of November 12, 2009)
16. 2009.0862C (S. YOUNG: (415) 558-6346)
3288 STEINER STREET - east side between Lombard and Greenwich Streets; Lots 057 - 058 in Assessor's Block 0510 - **Request for Conditional Use Authorization** under Sections 712.54 and 303 of the Planning Code to convert vacant commercial space (formerly occupied by a real estate office) with approximately 500 square feet of floor area into a school of traditional Thai massage and a massage establishment (dba Traditional Medical Thai Massage and School) on the ground floor of the four-story, residential and commercial building within an NC-3 (Neighborhood Commercial, Moderate-Scale) District and a 40-X Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

17. 2009.0932C (C. TEAGUE: (415) 575-9081)
1880 MISSION STREET - west side between 14th and 15th Streets, Lots 002A, 003, 004, and 029 in Assessor's Block 3547 - **Request for Conditional Use Authorization** pursuant to Planning Code Section 303(e) to modify the performance period condition of Motion No. 17120 for Case No. 2003.0758C to extend the approval period another 2 years from the date of expiration of the administrative extension granted by the Zoning Administrator for a Planned Unit Development of a mixed use project consisting of up to 194 dwelling units, 9,000 square feet of ground floor commercial space, and 221 off-street parking spaces, in a C-M (Heavy Commercial) Zoning District and 50-X and 65-B Height and Bulk Districts. The subject properties were subsequently reclassified and now fall in the Mission Street NCT (Neighborhood Commercial Transit) District and the UMU (Urban Mixed Use) District and 45-X, 58-X and 65-X Height and Bulk Districts. No changes are proposed for the existing project as originally approved.
 Preliminary Recommendation: Approval with Conditions
18. 2009.0424C (K. GUY: (415) 558-6163)
565 GREEN STREET - between Columbus and Grant Avenues, Lot 020 of Assessor's Block 0131 - **Request for Conditional Use Authorization** to add live entertainment to an existing restaurant and wine bar (dba "dell'uva") at 565 Green Street, within the North Beach Neighborhood Commercial District, the 40-X Height and Bulk District, and the North Beach Special Use District.
 Preliminary Recommendation: Disapproval
19. 2009.0841T (C. NIKITAS: (415) 558-6306)
PLANNING CODE AMENDMENT - DEMOLITION AND REPLACEMENT OF SOUND HOUSING. [BOARD FILE NO. 09-1038] - **Ordinance amending the Planning Code by amending Section 317** to require the Planning Commission make certain findings when approving demolition of Residential Buildings that require Mandatory Discretionary Review and to require replacement of sound housing with units of like affordability; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
 Preliminary Recommendation: Approval with Modifications
 (Continued from Regular Meeting of November 5, 2009)
20. 2009.0825D (C. TEAGUE: (415) 575-9081)
1354 RHODE ISLAND STREET - west side between 24th and 25th Streets, Lot 006 in Assessor's Block 4260 - **Request for Discretionary Review** of Building Permit Application No. 2008.06.30.5675 proposing to fill in a portion of the 3rd floor rear deck of the existing structure in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve
21. 2009.0950D (A. STARR: (415) 558-6362)
820-822 BAY STREET - north side between Larkin and Hyde Streets; Lot 036 in Assessor's Block 0026 - **Request for Discretionary Review** of Building Permit Application No. 2008.12.23.9134 proposing to construct a stair penthouse, windscreens and trellis structure on the roof of the subject 3-story, 3-unit building in an RH-3 (Residential, House, 3-Family) District and a 40-X Height and Bulk District.
 Preliminary Recommendation: Do not take Discretionary Review and Approve

I. PUBLIC COMMENT

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respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

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- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting &

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, December 10, 2009

1:30 PM
Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

DEC 04 2009

President: Ron Miguel
Vice-President: Christina R. Olague
Commissioners: Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore;
Hisashi Sugaya

SAN FRANCISCO
PUBLIC LIBRARY

Commission Secretary: Linda D. Avery

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THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT
1650 MISSION STREET, 4TH FLOOR RECEPTION

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Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the use of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at soif@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsupvrs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.1065T (A. RODGERS: (415) 558-6395)
DEVELOPMENT STIMULUS AND FEE REFORM - The Planning Commission will consider three proposed Ordinances introduced by the Mayor as described below. In addition to these three Ordinances the Commission may consider related amendments to the existing City Codes governing planning fees and processes. The three ordinances introduced by the Mayor include:

091251 [Development Fee Collection Procedure; Administrative Fee] - This Ordinance would amend the San Francisco Building Code by adding Section 107A.13 to establish a procedure for the Department of Building Inspection (DBI) to collect development impact and in-lieu fees, to provide that the fees are payable prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the development fees, to require that any in-kind public benefits required in-lieu of payment of development fees are implemented prior to issuance of the first certificate of occupancy for the project, to require DBI to generate a Project Development Fee Report prior to issuance of the building or site permit for the project listing all fees due with the opportunity for an appeal of technical errors to the Board of Appeals, to establish a Development Fee Collection Unit within DBI and a fee for administering the program; adopting findings, including environmental findings.

091252 [Affordable Housing Transfer Fee Restriction Alternative for Inclusionary and Jobs Housing Linkage Programs] -This Ordinance would amend the San Francisco Planning Code by amending Sections 313.4 and 315.5 and by adding Section 313.16 to add an alternative for compliance with the Jobs Housing Linkage Program and the Residential Inclusionary Affordable Housing Program by allowing a project sponsor to defer 33% of its obligation under either Program in exchange for recording an Affordable Housing Transfer Fee Restriction on the affected property providing that 1% of the value of the property be paid to the Citywide Affordable Housing Fund at every future transfer of the Property.

091275 [Development Impact and In-Lieu Fees] - This Ordinance would amend the San Francisco Planning Code by creating Article 4 for development impact fees and development impact requirements that authorize the payment of in-lieu fees; by adding Section 402 to provide that all Planning Code development impact and in-lieu fees will be collected by the Department of Building Inspection prior to issuance of the first building permit or other document authorizing construction of the project, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge on the amount owed that would be deposited into the same fund that receives the fees; by requiring that any in-kind public improvements required in-lieu of payment of development fees are implemented prior to

issuance of the first certificate of occupancy for the project; by moving Planning Code Sections 139, a portion of 249.33, 313-313.15, 314-314.8, 315-315.9, 318-318.9, 319-319.7, 326-326.8, 327-327.6, and 331-331.6 and Chapter 38 of the San Francisco Administrative Code (Transit Impact Development Fee) to Article 4 and renumbering and amending the sections; adding introductory sections for standard definitions, payment and collection procedures, conditions of approval, dispute resolution and appeal procedures, waivers, credits, notice, lien procedure, and development fee evaluations every five years; by providing for an appeal of technical fee calculation issues to the Board of Appeals rather than the Planning Commission; requiring the Controller to issue an annual Citywide Development Fee Report; deleting duplicative code provisions and using consistent definitions, language and organization throughout; adopting findings, including Section 302 and environmental findings; instructing the publisher to put a note at the original location of the renumbered sections stating that the text of those sections has been moved and providing the new section number.

Preliminary Recommendation: Approval with modifications.

(Proposed for continuance to January 14, 2010)

2. 2009.1053TZ (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO THE PLANNING CODE TO REQUIRE A CONDITIONAL USE AUTHORIZATION FOR THE INSTALLATION OF A GARAGE OPENING IN EXISTING BUILDINGS, REDUCE THE PARKING REQUIREMENTS IN CERTAIN NORTHEAST NEIGHBORHOODS, AND CREATING THE TELEGRAPH HILL-NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT [BOARD FILE NO. 09-1165] -Ordinance introduced by Supervisor Chiu amending Planning Code Sections 714.94, 722.94, 803.2, and Table 810 to require a Conditional Use Authorization to install a garage in an existing residential structure in the Broadway NCD, the North Beach NCD, and the Chinatown Mixed Use and Community Business Districts; adding Section 249.46 and amending Section SU01 of the Zoning Map to establish the Telegraph Hill-North Beach Residential Use Special Use District to include the residentially-zones areas bounded by Bay Street to the North, Sansome Street and the Embarcadero to the East, Broadway to the South, and Columbus Avenue to the West, and to require a conditional use to install a garage in a residential structure; amending Section 151 to reduce the minimum parking requirements in the Broadway and North Beach NCDs and the Telegraph Hill – North Beach Residential Special Use District; amending 155 to add Columbus Avenue between Washington and North Point Street to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; amending the Public Works Code by amending Section 732.2 to prohibit the issuance of minor sidewalk encroachment permits that would facilitate the installation of parking in a residential structure; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the priority policies of Planning Code Section 101. Preliminary Recommendation: Pending.
(Proposed for continuance to January 14, 2010)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing

3. 2009.0835C (E. OROPEZA: (415) 558-6381)
2862 24th STREET, between Florida and Bryant Streets; Lot 019 in Assessor's Block 4208 – **Request for Conditional Use Authorization** to establish a Full Service-Restaurant, dba "Sugarlump," per Planning Code Section 727.42 within the 24th Street Mission Neighborhood Commercial Transit District, and a 45-X Height and Bulk District.

The project is also within the Mission Alcoholic Beverage Special Use Subdistrict. The proposed eating establishment is not identified as a formula retail use.
Recommendation: Approve with Conditions

C. COMMISSIONERS' QUESTIONS AND MATTERS

4. Commission Comments/Questions

- Inquiries/Announcements. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
- Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

5. Director's Announcements

6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.

7. (J. RANGE: (415) 575-9018)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT CEQA GUIDELINES UPDATE – Informational Presentation on the Bay Area Air Quality Management District's (BAAQMD's) proposed California Environmental Quality Act (CEQA) Air Quality Guidelines Update. BAAQMD is in the process of updating their 1999 CEQA Guidelines for the analyses of air quality impacts. The proposed CEQA Air Quality Guidelines Update, released November 2009, revises the 1999 thresholds of significance for criteria air pollutants and includes proposals for quantitative thresholds of significance for greenhouse gas emissions and thresholds of significance for citing new sources and receptors of toxic air contaminants.

The proposed CEQA Air Quality Guidelines and background material are available at: <http://www.baaqmd.gov/Divisions/Planning-and-Research/Planning-Programs-and-Initiatives/CEQA-GUIDELINES.aspx>.

Recommendation: No action is necessary. This is an informational presentation only.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

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F. REGULAR CALENDAR

8a. 2006.0431CEKV

(J. MILLER: (415) 558-6344)

1080 SUTTER STREET - north side between Hyde and Larkin Streets - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 157 for off-street parking in excess of accessory amounts (up to 39 spaces when the Code would permit 14) and Section 253 for height above 40 feet in a Residential District, to permit a new 11-story residential building with approximately 36 dwelling units, Lot 011 in Assessor's Block 0279, in an RC-4 (Residential-Commercial Combined, High Density) District and a 130-E Height and Bulk District.

Preliminary Recommendation: Approval with Conditions

(Continued from Regular Meeting of October 15, 2009)

- 8b. 2006.0431CEKV (J. MILLER: (415) 558-6344)
1080 SUTTER STREET - north side between Hyde and Larkin Streets - **Request for granting of Variances** of Planning Code standards for rear-yard area (Section 134), projections over streets and alleys (Section 136) and dwelling-unit exposure (Section 140) to permit a new 11-story residential building with approximately 35 dwelling units, Lot 011 in Assessor's Block 0279, in a an RC-4 (Residential-Commercial Combined, High Density) District and a 130-E Height and Bulk District.
(Continued from Regular Meeting of October 15, 2009)
9. 2009.0257C (T. FRYE: (415) 575-6822)
900 SANSOME STREET - northwest corner of Sansome and Broadway Streets, Assessor's Block 0142, Lot 003 - **Request for a Conditional Use Authorization** pursuant to Sections 239 and 303 of the Planning Code to change the legal use of the property from commercial store to off-street parking facility. The Historic Preservation Commission approved a related Certificate of Appropriateness for window replacement on June 4, 2009. The subject property is within a C-2 (Community Business) District with a 84-E Height and Bulk District, the Washington-Broadway #1 Special Use District, and within the Northeast Waterfront Historic District.
Preliminary Recommendation:
10. 2009.0523U (M. SNYDER (415): 575-6891)
BAYVIEW HUNTERS POINT SURVEY AREA C (AKA INDIA BASIN SHORELINE) – **Adoption of Interim Policies** to establish public hearing and notification processes for building permit and land use applications while the Bayview Hunters Point Survey Area C Community Planning Process is under way. The subject area is generally bounded by Jennings Street to the northwest, the Hunters View Housing site and Innes Avenue to the southwest, Earl Street to the southeast, and the San Francisco Bay to the northeast. The subject site is within the M-1 (Light Industrial), M-2 (Heavy Industrial), and NC-2 (Neighborhood Commercial, Small-scale) Use Districts and within a 40-X Height and Bulk District.
Preliminary Recommendation: Adoption of Policies
11. 2007.1255E (T. JOHNSTON: [415] 575-9035)
CRYSTAL SPRINGS SAN ANDREAS TRANSMISSION UPGRADE PROJECT – **Public Hearing on the Draft Environmental Impact Report**. The San Francisco Public Utilities Commission (SFPUC) is proposing the Crystal Springs San Andreas Transmission Upgrade Project. The project seeks to improve seismic and delivery reliability of the CS/SA Transmission System, and to meet the anticipated requirements of the California Division of Dam Safety (DSOD) for dam facilities in an emergency drawdown scenario. The Project would be located on City and County of San Francisco (CCSF)-owned lands in unincorporated portions of San Mateo County near the Town of Hillsborough and the cities of San Bruno, Burlingame, San Mateo, and Millbrae. The total proposed project area (including all construction, staging, and access areas) covers approximately 135 acres and is composed of five distinct project components that are oriented southeast to northwest, running approximately 7.6 miles across the Peninsula Watershed. The primary components of the proposed project would include:
- Seismic and functional upgrades to the Upper Crystal Springs Dam Culverts, including seismic strengthening of the Lower Culvert, which crosses the San Andreas Fault rupture zone, and providing isolation capabilities to both culverts.
 - Seismic improvements to the Crystal Springs Outlet Structures 1 and 2, including removal of the seismically vulnerable aboveground portions of their towers, and construction of a small onshore control shed for remote valve operation.
 - Major seismic upgrade of the Crystal Springs Pump Station (CS Pump Station), including construction of a new, seismically strengthened Pump Station, and replacement of all related facilities, pipelines, and pipeline connections. The upgrade would also

include increasing the pump station booster capability to 120 million gallons per day to meet delivery reliability goals, and construction of a new dissipation structure for releases into San Mateo Creek to meet anticipated DSOD requirements.

- Seismic upgrades to the existing CS/SA Pipeline that conveys water from CS Pump Station to San Andreas Reservoir (approximately 4.7 miles), including replacement of two segments of the pipeline, general pipeline improvements, and new access roads to ensure access to the pipeline for emergency and maintenance repairs.

- Seismic upgrade to the San Andreas Outlet Structures 2 and 3, including improvements at both the outlet towers and tunnel portals located at the Harry Tracey Water Treatment Plant.

NOTE: Written comments will be accepted at the Planning Department's offices until the close of business on Monday, December 21, 2009.

Preliminary Recommendation: No Action Required

12. 2007.0519E (B. BOLLINGER: (415) 575-9024)
1645 PACIFIC AVENUE - Assessor's Block 0595 Lot 013 - **Public Hearing on the Draft Environmental Impact Report.** The project site is a 15,959-square-foot parcel located on a block bounded by Pacific Ave., Polk St., Jackson St., and Van Ness Ave. in the Russian Hill neighborhood. The proposed project would demolish the existing commercial building and replace it with a new 65-foot high building with 48 residential units, ground-level retail uses, and 49 parking spaces. The project site is within the Polk Street Neighborhood Commercial District (Polk NCD) and 65-A Height and Bulk District. **Written comments will be accepted at the Planning Department's offices until 5 p.m. on January 2, 2010.**
Preliminary Recommendation: No Action Required
13. 2005.1074E (D. DWYER: (415) 575-9031)
935-965 MARKET STREET – mid-block south side of Market Street between Fifth and Sixth Streets; Lots 071, 072, and 073 in Assessor's Block 3704 – **Public Hearing on the Draft Environmental Impact Report.** The proposed project would demolish the three two- to five-story buildings on the 1.06-acre project site and redevelop the site with one five-story, 90-foot-tall retail building, with associated building services and subsurface parking. The building would contain approximately 375,700 gsf, with about 264,010 gsf of retail uses; about 4,830 gsf of common areas; about 10,900 gsf of mechanical and storage space; and about 95,960 gsf of parking, loading, and circulation space with 201 parking spaces. The project site is in the C-3-G (Downtown General Commercial) and C-3-R (Downtown Retail) Zoning Districts, and the 120-X Height and Bulk District. The proposed project would have a floor area ratio of about 8:1, and would include the use of transferable development rights (TDRs) subject to applicable height and bulk limitations. The project would require a Conditional Use authorization for parking in addition to permitted accessory parking and for demolition of a former theater use; variances for the width of the loading and parking access on Stevenson Street; and an exception to freight loading requirements under Planning Code Section 309. **Written comments will be accepted at the Planning Department's offices until 5:00 pm on December 21, 2009.**
Preliminary Recommendation: No Action Required
14. 2009.0667D (S. LAI: (415) 575-9087)
1826 32nd AVENUE - east side between Ortega Avenue and Noriega Avenue; Lot 043 in Assessor's Block 2068 – **Staff Initiated Discretionary Review** of Building Permit Application No. 2008.07.11.6477 proposing to construct a two-story horizontal rear addition to an existing single-family dwelling. The property is located in an RH-1 (Residential, House, and One-Family) Zoning District and 40-X Height and Bulk District. Preliminary Recommendation: Take Discretionary Review and approve with modifications.
(Continued from November 5, 2009)

- 15a. 2009 0382D (R. CRAWFORD: (415) 558-6358)
71 GRANADA AVENUE - west side between Grafton and Lakeview Avenues; Lot 004 of Assessor's Block 7016 - **Request for Discretionary Review** of Building Permit Application 2009 0225 2875 construct additions to the existing rear cottage on the property and to construct a new free-standing residential accessory building at the front of the lot in an RH-1, (Residential House, One-Family) and a 40-X Height and Bulk District.
Preliminary Recommendation: Take Discretionary Review and Modify the Project.
- 15b. 2008.0673V (R. CRAWFORD: (415) 558-6358)
71 GRANADA AVENUE - west side between Grafton and Lakeview Avenues; Lot 004 of Assessor's Block 7016 - **Request for Rear Yard Variance** from Planning Code Section 134 to allow construction of additions to the existing rear cottage on the property. The project proposes no rear yard where a rear yard of 28 feet is required and in an RH-1, (Residential House, One-Family) and a 40-X Height and Bulk District. The Zoning Administrator conducted a public hearing on this case on April 2, 2009 and took the matter under advisement.

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Adjournment:

SAN FRANCISCO PLANNING COMMISSION

Notice of Meeting

&

Calendar

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
Thursday, December 17, 2009

1:30 PM

Regular Meeting

GOVERNMENT
DOCUMENTS DEPT

DEC 11 2009

SAN FRANCISCO
PUBLIC LIBRARY

GOVERNMENT
DOCUMENTS DEPT

DEC 10 2009

SAN FRANCISCO
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The Commission has instituted a policy that, in most cases, they will not call an item for consideration after 10:00 PM. If an item is scheduled but not called or introduced prior to 10:00 PM, the Commission may continue the matter to the next available hearing. Items listed on this calendar will not be heard before the stated time.

Policy on Commissioner's requests for hearings: There must be consensus of the Commission (four commissioners) or direction from the President/Chair to schedule a hearing that otherwise would not be scheduled.

Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices (67A.1 Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings).

For more information related to Planning Commission matters, please call Linda D. Avery, Commission Secretary, at (415) 558-6407.

San Francisco Lobbyist Ordinance

Attention: Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign and Governmental Conduct Code Section 21.00-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; and web site <http://www.sfgov.org/ethics>.

Accessible Meeting Policy

Hearings are held at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400, fourth floor, San Francisco, CA. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 9 San Bruno and 71 Haight/Noriega and the F Line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142. Requests for American sign language interpreters, sound enhancement systems and/or language translators will be available upon request by contacting Lulu Hwang at (415) 558-6318 at least 48 hours prior to a hearing. A sound enhancement system will be available upon request at the meetings. Please contact Services for the Deaf and Hearing Impaired at 557-5533 (TDD) or 557-5534 (Voice) at least 48 hours prior to the meeting. Late requests will be honored if possible. A person who is deaf or hearing impaired may gain meeting information prior to the meeting by calling 557-4433 (TDD) or 557-4434 (Voice). In addition, the California Relay Service can be used by individuals with hearing and speech impairments by calling 1-800-735-2929 (TDD) or 1-800-735-2922 (Voice). Minutes of the meetings are available in alternative formats. If you require the advance of a reader during the meeting, please contact the Library for the Blind and Print Handicapped at 292-2022 at least 48 hours in advance of need. Accessible seating for persons with disabilities (including those using wheelchairs) will be available at meetings. Individuals with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Destro, Interim Administrator, 1 Dr. Carlton B. Goodlett Place, Room 409, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at sotf@sfgov.org.

Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Library and on the City's website at www.sfgov.org/bdsuprvs/sunshine.

COMMUNICATIONS

Note: Each item on the Consent or Regular calendar may include the following documents:

- 1) Planning Department Case Executive Summary
- 2) Planning Department Case Report
- 3) Draft Motion or Resolution with Findings and/or Conditions
- 4) Public Correspondence

These items will be available for review at the Planning Department, 1650 Mission St., 4th floor reception.

1:30 PM _____

ROLL CALL:

President:	Ron Miguel
Vice-President:	Christina R. Olague
Commissioners:	Michael J. Antonini; Gwyneth Borden; William L. Lee; Kathrin Moore; Hisashi Sugaya

A. CONSIDERATION OF ITEMS PROPOSED FOR CONTINUANCE

The Commission will consider a request for continuance to a later date. The Commission may choose to continue the item to the date proposed below, to continue the item to another date, or to hear the item on this calendar.

1. 2009.0378C (E. OROPEZA: (415) 558-6381)
224 TOWNSEND STREET - between Ritch and Clyde Streets; Lot 013 in Assessor's Block 3787 - **Request for Conditional Use Authorization** to establish a "Public Automobile Parking Garage" use per Planning Code Sections 817.30 and 890.12 all within the Service Light Industrial Use District, and a 65-X Height and Bulk District.
Preliminary Recommendation: Disapprove the project proposal
(Proposed for Continuance to January 21, 2010)

B. CONSENT CALENDAR

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Planning Commission, and will be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or a future hearing.

- 2a. 2009.0411D (S. HAYWARD: (415) 558-6372)
40 EDGEHILL WAY - west side between Garcia Avenue and Ulloa Street, Lot 008 in Assessor's Block 2923 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings of Demolition Permit Application No. 2009.0720.3022 proposing to demolish a one-story-over-garage, single-family dwelling located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the demolition.
- 2b. 2009.0912D (S. HAYWARD: (415) 558-6372)
40 EDGEHILL WAY - west side between Garcia Avenue and Ulloa Street; Lot 008 in Assessor's Block 2923 - **Mandatory Discretionary Review**, under Planning Code Section 317 requiring review of the demolition of residential buildings and their replacement structures of Building Permit Application No. 2009.0720.3020, proposing to construct a new single-family dwelling on the subject lot. The subject lot is located in an RH-1(D) (Residential, House, Single-Family, Detached) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Approve the new construction.

C. COMMISSIONERS' QUESTIONS AND MATTERS

Adoption of Commission Minutes – Charter Section 4.104 requires all commissioners to vote yes or no on all matters unless that commissioner is excused by a vote of the Commission. Commissioners may not be automatically excluded from a vote on the minutes because they did not attend the meeting.

3. Consideration of Adoption:
 - Draft Minutes of Special Meeting of November 19, 2009.
 - Draft Minutes of Special Joint Hearing of November 19, 2009.
 - Draft Minutes of Regular Meeting of December 3, 2009.
4. Commission Comments/Questions
 - **Inquiries/Announcements**. Without discussion, at this time Commissioners may make announcements or inquiries of staff regarding various matters of interest to the Commissioner(s).
 - **Future Meetings/Agendas**. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Planning Commission.

D. DIRECTOR'S REPORT

5. Director's Announcements
6. Review of Past Week's Events at the Board of Supervisors, Board of Appeals, and Historic Preservation Commission.
7. 2009.10681 (R. CRAWFORD: (415) 558-6358)
1355 SANSOME STREET - southwest corner of Sansome and Greenwich Streets Lot 048, of Assessor's Block 0085 Report on Hult International Business School's **Abbreviated Institutional Master Plan (IMP)**, pursuant to Planning Code Section 304.5. Hult Business School's Abbreviated IMP contains information on the nature and history of the institution, the location and use of affiliated buildings, and development plans within the C-2, Community Business and 84-E Height and Bulk Districts. The IMP is available for viewing on the Planning Department's website (from www.sfplanning.org click "Publications & Reports" and then "Institutional Master Plans").
Preliminary Recommendation: Informational presentation, no action requested.
8. (A. RODGERS: (415) 558-6395)
DISCUSSION OF POLICY FOR REVIEW OF NEW GARAGES IN EXISTING BUILDINGS - The Commission will consider a **proposed policy** which would: 1) establish a structure for staff review of new garages in existing building; 2) increase coordination during said review between the department and other agencies, specifically the San Francisco Municipal Transportation Agency (SFMTA) which is charged with managing on-street parking and San Francisco Department of Public Works which is charged with maintaining the public right-of-way and; 3) Consider notification prior to the installation of a new garage in an existing building as part of the Department's Universal Notification Project.
Preliminary Recommendation: Informational presentation, no action requested.

E. GENERAL PUBLIC COMMENT – 15 MINUTES

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With

respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting. Each member of the public may address the Commission for up to three minutes.

F. PUBLIC COMMENT ON AGENDA ITEMS WHERE THE PUBLIC HEARING HAS BEEN CLOSED

At this time, members of the public who wish to address the Commission on agenda items that have already been reviewed in a public hearing at which members of the public were allowed to testify and the public hearing has been closed, must do so at this time. Each member of the public may address the Commission for up to three minutes.

G. CONSIDERATION OF FINDINGS AND FINAL ACTION – PUBLIC HEARING CLOSED

9. 2009.0424C (K. GUY: (415) 558-6163)
565 GREEN STREET - between Columbus and Grant Avenues, Lot 020 of Assessor's Block 0131 - **Request for Conditional Use Authorization** to add live entertainment to an existing restaurant and wine bar (dba "dell'uva") at 565 Green Street, within the North Beach Neighborhood Commercial District, the 40-X Height and Bulk District, and the North Beach Special Use District.
Preliminary Recommendation: Disapproval
NOTE: On December 3, 2009, following public testimony, the Commission entertained a motion of intent to approve. The vote was +3 -3. The motion failed. Commissioners Moore, Sugaya & Olague voted against. The item was continued to 12/17/09 to allow the absent commissioner the ability to participate in the final action. Commissioner Lee was absent

REGULAR CALENDAR

10. (E. FORBES: (415) 558-6417)
BUDGET FY2010-11: DEPARTMENT'S FINANCIAL CONDITION AND PRELIMINARY BALANCING OPTIONS
This item is for discussion only and does not require Commission action.
11. 2009.1006C (S. LAI: (415) 575-9087)
1626 TARAVAL STREET - north side, between 26th and 27th Avenues; Lot 010 in Assessor's Block 2355 - **Request for Conditional Use Authorization** pursuant to Planning Code Sections 711.42, 781.1, 790.92, and 303 for a change of use from an existing retail use to a full-service restaurant (DBA G Cube Café), within the Taraval Street RUSD (Restaurant and fast-food sub-district), NC-2 (Small-Scale, Neighborhood Commercial District) and a 65-A Height and Bulk District.
Preliminary Recommendation: Approval with conditions
12. 2009.1007C (M. WOODS: (415) 558-6315)
2223 FILLMORE STREET - west side between Clay and Sacramento Streets; Lot 006 in Assessor's Block 0630 - **Request for Conditional Use Authorization** to allow a "formula retail use" (dba "Black Fleece") pursuant to Sections 303(c), 303(i) and 703.4 of the Planning Code, in the Upper Fillmore Street Neighborhood Commercial District and a 40-X Height and Bulk District. The proposal is to convert vacant retail space (formerly "Simon Pearce") to a retail clothing store, which is a "formula retail use" as defined in Planning Code Section 703.3. Black Fleece is owned by the Brooks Brothers Corporation.
Preliminary Recommendation: Approval with conditions
13. 2009.0945C (S. YOUNG: (415) 558-6346)
4016 GEARY BOULEVARD - north side between 4th and 5th Avenues; Lot 018 in Assessor's Block 1436 - **Request for Conditional Use Authorization** under Sections

712.38 303 and 317 of the Planning Code to legalize the conversion of the second floor dwelling unit to non-residential use for future occupancy by a "Medical Service" use, "Personal Service" use, or "Business or Professional Service" use in the three-story over basement commercial building within an NC-3 (Neighborhood Commercial, Moderate-Scale) District and a 40-X Height and Bulk District. The vacant commercial space, with approximately 1,850 square feet of floor area, was converted from residential use at least ten years ago and consists of two separate tenant spaces.

Preliminary Recommendation: Approval with Conditions

14. 2009.1024C (E. WATTY: (415) 558-6620)
565 CASTRO STREET - on the east side of Castro Street between 18th and 19th Streets, Lot 062 in Assessor's Block 3583 - **Request for a Conditional Use Authorization**, pursuant to Planning Code Sections 303, 715.54, and 790.60, to allow a massage establishment (dba Hand Job) to operate within the Castro Neighborhood Commercial District and 40-X Height and Bulk District.
Preliminary Recommendation: Approval with Conditions
15. 2009.0841T (C. NIKITAS: (415) 558-6306)
PLANNING CODE AMENDMENT - DEMOLITION AND REPLACEMENT OF SOUND HOUSING [BOARD FILE NO. 09-1038] - **Ordinance amending the Planning Code by amending Section 317** to require the Planning Commission make certain findings when approving demolition of Residential Buildings that require Mandatory Discretionary Review and to require replacement of sound housing with units of like affordability; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.
Preliminary Recommendation: Approval with Modifications
(Continued from Regular Meeting of December 3, 2009)
16. 2009.0840T (T. SULLIVAN: (415) 558-6257)
AMENDMENTS TO PLANNING CODE SECTION 303(I) TO REQUIRE APPLICANTS FOR NEW FORMULA RETAIL USES TO APPOINT A COMMUNITY LIAISON TO RESPOND TO COMMUNITY CONCERNS DURING CONSTRUCTION AND STORE OPERATION [BOARD FILE NO. 09-1030]. **Ordinance introduced by Supervisor Alioto-Pier amending Planning Code Section 303(i)** to require applicants for new formula retail uses to appoint community liaisons to respond to community concerns during construction and store operation.
Preliminary Recommendation: Disapproval
(Continued from Regular Meeting of December 3, 2009)
- 17a. 2009.0102DPV (C. JAROSLAWSKY: (415) 558-6348)
1966 GREAT HIGHWAY - east side between Ortega and Pacheco Streets, Lot 007A in Assessor's Block 2086 - **Request for staff initiated Discretionary Review** before the Planning Commission for non-compliance with the Residential Design Guidelines; and a Coastal Zone Permit, pursuant to Planning Code Sections 330.1, to construct a new, two-family, four-story structure. A variance is also requested by the Zoning Administrator to construct within the required front and rear yards. The site is located in an RH-2 (House, Two-Family) and 40-X Height and Bulk District and Local Coastal Zone Permit Area.
Preliminary Recommendation: Take Discretionary Review and approve with recommendations.
- 17b. 2009.0102DPV (C. JAROSLAWSKY: (415) 558-6348)
1966 GREAT HIGHWAY - east side between Ortega and Pacheco Streets, Lot 007A in Assessor's Block 2086 - **Request for Coastal Zone Permit**, pursuant to Planning Code Sections 330.1, to construct a new, two-family, four-story structure. The project requires the approval of a variance by the Zoning Administrator to construct within the required front and rear yards, and there is a staff initiated Discretionary Review before the

Planning Commission for non-compliance with the Residential Design Guidelines. The site is located in an RH-2 (House, Two-Family) and 40-X Height and Bulk District and Local Coastal Zone Permit Area. Preliminary Recommendation: Approval

- 17c. 2009.0102DPV (C. JAROSLAWSKY: (415) 558-6348)
1966 GREAT HIGHWAY - east side between Ortega and Pacheco Streets, Lot 007A in Assessor's Block 2086 - **Request for a Variance** by the Zoning Administrator to construct within the required front and rear yards. A Coastal Zone Permit, pursuant to Planning Code Sections 330.1, to construct a new, two-family, four-story structure and a staff initiated Discretionary Review are before the Planning Commission for non-compliance with the Residential Design Guidelines. The site is located in an RH-2 (House, Two-Family) and 40-X Height and Bulk District and Local Coastal Zone Permit Area.
18. 2009.0904D (C. JAROSLAWSKY: (415) 558-6348)
1701 9th AVENUE - west side between Moraga and Noriega Streets; Lot 001 in Assessor's Block 2040 - **Request for Discretionary Review** of Building Permit Application Nos. 2009.04.06.5665, 2009.04.06.5667, 2009.04.06.5669 and 2009.04.06.5670 to demolish a vacant commercial structure and construct three, two-unit residential structures. This property will be subdivided into three separate parcels, with one structure per lot, in an RH-2 (Residential, House, Two-Family) District and a 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve the project as submitted.
- 19a. 2009.0124DV (P. LAVALLEY: (415) 575-9084)
1376 FLORIDA STREET - west side between 25th Street and 26th Street; Lot 014 in Assessor's Block 4272 - **Request for Discretionary Review** of Building Permit Application No. 2009.03.27.4981, proposing to construct horizontal and vertical additions and add a garage on an existing single-family dwelling resulting in two dwelling units on the site within an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.
Preliminary Recommendation: Do not take Discretionary Review and approve project as proposed.
- 19b. 2009.0124DV (P. LAVALLEY: (415) 575-9084)
1376 FLORIDA STREET - west side between 25th Street and 26th Street; Lot 014 in Assessor's Block 4272 - **Request for Variance** pursuant to Section 134 of the Planning Code from rear yard requirements to construct horizontal and vertical additions and add a garage on an existing single-family dwelling resulting in two dwelling units on the site within an RH-2 (Residential, House, Two-Family) District and 40-X Height and Bulk District.

6:30 p.m. — *[Although the following item may be called after the listed time, it will not be called before.]*

20. 2007.0946E (J. NAVARRETE: (415) 575-9040)
CANDLESTICK POINT-HUNTERS POINT SHIPYARD PHASE II DEVELOPMENT PLAN (PROJECT) - **Public Hearing on the Draft Environmental Impact Report:** The Project site is located on approximately 702 acres in the southeastern portion of San Francisco and includes both Candlestick Point and HPS Phase II. The Project proposed includes a mixed-use community with a wide range of residential, retail, office, research and development, civic and community uses, and parks and recreational open space. A major component would be a new stadium for the San Francisco 49ers National Football

League team. Additionally, new transportation and utility infrastructure would serve the Project including a bridge across Yosemite Slough. The Project proposes development of 10,500 residential units; 885,000 gross square feet (gsf) of retail; 150,000 gsf of office; 2.5 million gsf of Research & Development uses; a 220-room, 150,000-gsf hotel; 255,000 gsf of artist studio space and arts center; 100,000 gsf of community services; approximately 240 acres of new parks, sports fields, and waterfront recreation areas, as well as approximately 97 acres of new and improved State parkland; a 69,000-seat 49ers stadium; and a 10,000-seat performance arena. In addition, a 300-slip marina would be provided. Shoreline improvements would also be implemented to stabilize the shoreline. The Project would include structured and on-street parking and various infrastructure improvements to support the development.

Note: written comments will be accepted at the Redevelopment Agency or Planning Department's offices until the close of business on December 28, 2009.

Preliminary Recommendation: No Action Required.

H. PUBLIC COMMENT

At this time, members of the public may address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission except agenda items. With respect to agenda items, your opportunity to address the Commission will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Commission has closed the public hearing, your opportunity to address the Commission must be exercised during the Public Comment portion of the Calendar. Each member of the public may address the Commission for up to three minutes.

The Brown Act forbids a commission from taking action or discussing any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the commission is limited to:

- (1) responding to statements made or questions posed by members of the public; or
- (2) requesting staff to report back on a matter at a subsequent meeting; or
- (3) directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Adjournment:

NOTICE OF CANCELLATION

SAN FRANCISCO PLANNING COMMISSION

Regular Meetings

Thursdays, December 24, and 31, 2009

NOTICE IS HEREBY GIVEN that the Regular Meetings of the San Francisco Planning Commission for ***Thursdays, December 24, 31, 2009*** have been cancelled. The next Regular Meeting of the Planning Commission will be held on, ***Thursday, January 7, 2010.***

Linda D. Avery
Commission Secretary

PLANNING COMMISSION ROSTER

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